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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.**

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. CHAFFETZ (for himself, Mr. CUMMINGS, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on

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**A BILL**

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Inspector General Empowerment Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Additional authority provisions for Inspectors General.

Sec. 3. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.

Sec. 4. Paperwork Reduction Act exemption.

Sec. 5. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.

Sec. 6. Reports required.

Sec. 7. Public release of misconduct report.

1 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**  
2 **TORS GENERAL.**

3 (a) SUBPOENA AUTHORITY FOR INSPECTORS GEN-  
4 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—

5 The Inspector General Act of 1978 (5 U.S.C. App.) is  
6 amended—

7 (1) by inserting after section 6 the following  
8 new section:

9 **“SEC. 6A. ADDITIONAL AUTHORITY.**

10 **“(a) TESTIMONIAL SUBPOENA AUTHORITY.—**In ad-  
11 dition to the authority otherwise provided by this Act and  
12 in accordance with the requirements of this section, each  
13 Inspector General (and each Special Inspector General not  
14 established under this Act), in carrying out the provisions  
15 of this Act (or in the case of a Special Inspector General,  
16 the provisions of the authorizing statute), is authorized  
17 to require by subpoena the attendance and testimony of  
18 certain witnesses, including a contractor with the Federal  
19 Government or a designated Federal entity and any  
20 former Federal employee or employee of a designated Fed-  
21 eral entity (but not including any Federal employee), nec-

1    essary in the performance of the functions assigned by this  
2    Act, which subpoena, in the case of contumacy or refusal  
3    to obey, shall be enforceable by order of any appropriate  
4    United States district court.

5           “(b) NONDELEGATION.—The authority to issue a  
6    subpoena under subsection (a) may not be delegated.

7           “(c) LIMITATION.—The authority to issue a subpoena  
8    under subsection (a) is limited to an investigation of fraud  
9    or waste in excess of \$100,000 unless there is reasonable  
10   cause to believe a crime has been committed.

11          “(d) PANEL REVIEW BEFORE ISSUANCE.—

12               “(1) APPROVAL REQUIRED.—

13                       “(A) REQUEST FOR APPROVAL BY SUB-  
14                       POENA PANEL.—Before the issuance of a sub-  
15                       poena described in subsection (a), an Inspector  
16                       General shall submit a request for approval to  
17                       issue a subpoena to a panel (in this section, re-  
18                       ferred to as the ‘Subpoena Panel’), which shall  
19                       be comprised of three Inspectors General of the  
20                       Council of the Inspectors General on Integrity  
21                       and Efficiency, who shall be designated by the  
22                       Inspector General serving as Chairperson of the  
23                       Council.

24                       “(B) REASONABLE CAUSE.—Any request  
25                       submitted by an Inspector General under sub-

1 paragraph (A) shall demonstrate reasonable  
2 cause that each witness requested by the sub-  
3 poena possesses information pertinent and nec-  
4 essary to the investigation.

5 “(C) PROTECTION FROM DISCLOSURE.—  
6 The information contained in the request sub-  
7 mitted by an Inspector General under subpara-  
8 graph (A) and the identification of a witness  
9 shall be protected from disclosure to the extent  
10 practicable.

11 “(2) TIME TO RESPOND.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), the Subpoena Panel shall  
14 approve or deny a request for approval to issue  
15 a subpoena not later than 10 days after the  
16 submission of such request.

17 “(B) ADDITIONAL INFORMATION FOR  
18 PANEL.—If the Subpoena Panel determines  
19 that additional information is necessary to ap-  
20 prove or deny such request, the Subpoena Panel  
21 shall request such information and shall ap-  
22 prove or deny such request not later than 20  
23 days after the submission of such request.

1           “(3) DENIAL BY PANEL.—If a majority of the  
2           Subpoena Panel denies the approval of a subpoena,  
3           that subpoena may not be issued.

4           “(e) NOTICE TO ATTORNEY GENERAL.—

5           “(1) IN GENERAL.—If the Subpoena Panel ap-  
6           proves a subpoena under subsection (d), the Inspec-  
7           tor General shall notify the Attorney General that  
8           the Inspector General intends to issue the subpoena.

9           “(2) DENIAL FOR INTERFERENCE WITH AN ON-  
10          GOING INVESTIGATION.—The Attorney General shall  
11          approve or deny the issuance of a subpoena. If the  
12          Attorney General denies the issuance of the sub-  
13          poena, the subpoena may not be issued. The Attor-  
14          ney General shall make every effort to issue an ap-  
15          proval or denial under this paragraph within 30 days  
16          after notification by the Inspector General under  
17          paragraph (1).

18          “(3) ISSUANCE OF SUBPOENA.—An Inspector  
19          General may not issue a subpoena under this section  
20          unless the Attorney General approves the issuance of  
21          the subpoena.

22          “(f) REGULATIONS.—The Chairperson of the Council  
23          of the Inspectors General on Integrity and Efficiency, in  
24          consultation with the Attorney General, shall prescribe  
25          regulations to carry out the purposes of this section.”; and

1 (2) in section 5(a)—

2 (A) in paragraph (15), by striking “; and”  
3 and inserting a semicolon;

4 (B) in paragraph (16), by striking the pe-  
5 riod at the end and inserting “; and”; and

6 (C) by inserting at the end the following  
7 new paragraph:

8 “(17) a description of the use of subpoenas for  
9 the attendance and testimony of certain witnesses  
10 authorized under section 6A.”.

11 (b) MATCHING PROGRAM EXCEPTION FOR INSPEC-  
12 TORS GENERAL.—Section 6(a) of the Inspector General  
13 Act of 1978 (5 U.S.C. App.) is amended—

14 (1) in paragraph (8), by striking “; and” and  
15 inserting a semicolon;

16 (2) by redesignating paragraph (9) as para-  
17 graph (10); and

18 (3) by inserting after paragraph (8) the fol-  
19 lowing new paragraph:

20 “(9) notwithstanding paragraph (12) of sub-  
21 section (e) and subsections (o), (p), (q), (r), and (u)  
22 of section 552a of title 5, United States Code—

23 “(A) to compare, through a matching pro-  
24 gram (as defined in such section), any Federal  
25 records with other Federal or non-Federal

1 records, while conducting an audit, investiga-  
2 tion, inspection, evaluation, or other review au-  
3 thorized under this Act to identify weaknesses  
4 that may lead to waste, fraud, or abuse and to  
5 detect improper payments and fraud; and

6 “(B) to take action to protect any informa-  
7 tion collected pursuant to subparagraph (A);  
8 and”.

9 **SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**  
10 **OF THE INSPECTORS GENERAL ON INTEG-**  
11 **RITY AND EFFICIENCY.**

12 (a) FUNCTIONS AND DUTIES OF COUNCIL.—Section  
13 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.  
14 App.) is amended—

15 (1) in subparagraph (G), by striking “; and”  
16 and inserting a semicolon;

17 (2) by redesignating subparagraph (H) as sub-  
18 paragraph (I); and

19 (3) by inserting after subparagraph (G) the fol-  
20 lowing new subparagraph:

21 “(H) receive, review, and mediate any dis-  
22 putes submitted in writing to the Council by an  
23 Office of Inspector General regarding an audit,  
24 investigation, inspection, evaluation, or project

1           that involves the jurisdiction of more than one  
2           Federal agency or entity; and”.

3           (b) INTEGRITY COMMITTEE.—Section 11(d) of the  
4 Inspector General Act of 1978 (5 U.S.C. App.) is amend-  
5 ed—

6           (1) in paragraph (5)—

7                 (A) in subparagraph (B), by striking “;  
8 and” and inserting a semicolon;

9                 (B) in subparagraph (C), by striking the  
10 period at the end and inserting “; and”; and

11                 (C) by inserting at the end the following  
12 new subparagraph:

13                     “(D) not later than 60 days after the date  
14 on which an allegation of wrongdoing is re-  
15 ceived by the Integrity Committee, make a de-  
16 termination whether the Integrity Committee  
17 will initiate an investigation of such allegation  
18 under this subsection.”;

19           (2) in paragraph (6)(B)(i), by striking “may”  
20 and inserting “shall”; and

21           (3) in paragraph (7)—

22                 (A) in subparagraph (B)(i)—

23                     (i) in subclause (III), by striking “;  
24 and” and inserting a semicolon;

1 (ii) in subclause (IV), by striking the  
2 period at the end and inserting a semi-  
3 colon; and

4 (iii) by inserting at the end the fol-  
5 lowing new subclauses:

6 “(V) creating a regular rotation  
7 of Inspectors General assigned to in-  
8 vestigate complaints through the In-  
9 tegrity Committee; and

10 “(VI) creating procedures to  
11 avoid conflicts of interest for Integrity  
12 Committee investigations.”;

13 (B) by redesignating subparagraph (C) as  
14 subparagraph (E); and

15 (C) by inserting after subparagraph (B)  
16 the following new subparagraphs:

17 “(C) COMPLETION OF INVESTIGATION.—If  
18 a determination is made under paragraph (5) to  
19 initiate an investigation, the Integrity Com-  
20 mittee—

21 “(i) shall complete the investigation  
22 not later than six months after the date on  
23 which the Integrity Committee made such  
24 determination;

1           “(ii) if the investigation cannot be  
2 completed within such six-month period,  
3 shall—

4                   “(I) promptly notify the congress-  
5 sional committees listed in paragraph  
6 (8)(A)(iii); and

7                   “(II) to the maximum extent  
8 practicable, complete the investigation  
9 not later than 3 months after the ex-  
10 piration of the six-month period; and

11           “(iii) if the investigation cannot be  
12 completed within such nine-month period,  
13 shall brief the congressional committees  
14 listed in paragraph (8)(A)(iii) every thirty  
15 days until the investigation is complete.

16           “(D) CONCURRENT INVESTIGATION.—If an  
17 investigation of an allegation of wrongdoing  
18 against an Inspector General or a staff member  
19 of an Office of Inspector General described  
20 under paragraph (4)(C) is initiated by a gov-  
21 ernmental entity other than the Integrity Com-  
22 mittee, the Integrity Committee may conduct  
23 any related investigation for which a determina-  
24 tion to initiate an investigation was made under

1 paragraph (5) concurrently with the other gov-  
2 ernment entity.”.

3 (c) TECHNICAL CORRECTION; DESIGNEE AUTHOR-  
4 ITY.—Section 11 of the Inspector General Act of 1978 (5  
5 U.S.C. App.) is amended—

6 (1) in subsection (b)(1)(B) by striking “Direc-  
7 tor of National Intelligence” and inserting “Intel-  
8 ligence Community”; and

9 (2) in subsection (d)(2)—

10 (A) in subparagraph (C), by inserting “or  
11 the designee of the Special Counsel” before the  
12 period at the end; and

13 (B) in subparagraph (D), by inserting “or  
14 the designee of the Director” before the period  
15 at the end.

16 **SEC. 4. PAPERWORK REDUCTION ACT EXEMPTION.**

17 Section 3518(c) of title 44, United States Code, is  
18 amended—

19 (1) in paragraph (1), by striking “paragraph  
20 (2)” and inserting “paragraph (3)”;

21 (2) by redesignating paragraph (2) as para-  
22 graph (3); and

23 (3) by inserting after paragraph (1) the fol-  
24 lowing new paragraph:

1           “(2) Notwithstanding paragraph (3), this subchapter  
2 shall not apply to the collection of information during the  
3 conduct of any evaluation, or other review conducted by  
4 the Recovery Accountability and Transparency Board, or  
5 during the conduct of any audit, investigation, inspection,  
6 evaluation, or any other review conducted by the Council  
7 of the Inspectors General on Integrity and Efficiency or  
8 any Office of Inspector General, including any Office of  
9 Special Inspector General.”.

10 **SEC. 5. AMENDMENTS TO THE INSPECTOR GENERAL ACT**  
11                           **OF 1978 AND THE INSPECTOR GENERAL RE-**  
12                           **FORM ACT OF 2008.**

13           (a) INCORPORATION OF PROVISIONS FROM THE IN-  
14 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-  
15 SPECTOR GENERAL ACT OF 1978.—

16           (1) AMENDMENT.—Section 11(d) of the Inspec-  
17 tor General Act of 1978 (5 U.S.C. App.) is amended  
18 by adding at the end the following new paragraph:

19           “(12) ALLEGATIONS OF WRONGDOING AGAINST  
20 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

21           “(A) SPECIAL COUNSEL DEFINED.—In this  
22 paragraph, the term ‘Special Counsel’ means  
23 the Special Counsel appointed under section  
24 1211(b) of title 5, United States Code.

1           “(B) AUTHORITY OF INTEGRITY COM-  
2           MITTEE.—

3                   “(i) IN GENERAL.—An allegation of  
4                   wrongdoing against the Special Counsel or  
5                   the Deputy Special Counsel may be re-  
6                   ceived, reviewed, and referred for investiga-  
7                   tion by the Integrity Committee to the  
8                   same extent and in the same manner as in  
9                   the case of an allegation against an Inspec-  
10                  tor General (or a member of the staff of  
11                  an Office of Inspector General), subject to  
12                  the requirement that the Special Counsel  
13                  recuse himself or herself from the consider-  
14                  ation of any allegation brought under this  
15                  paragraph.

16                   “(ii) COORDINATION WITH EXISTING  
17                   PROVISIONS OF LAW.—This paragraph  
18                   does not eliminate access to the Merit Sys-  
19                   tems Protection Board for review under  
20                   section 7701 of title 5, United States  
21                   Code. To the extent that an allegation  
22                   brought under this subsection involves sec-  
23                   tion 2302(b)(8) of that title, a failure to  
24                   obtain corrective action within 120 days  
25                   after the date on which that allegation is

1 received by the Integrity Committee shall,  
2 for purposes of section 1221 of such title,  
3 be considered to satisfy section  
4 1214(a)(3)(B) of that title.

5 “(C) REGULATIONS.—The Integrity Com-  
6 mittee may prescribe any rules or regulations  
7 necessary to carry out this paragraph, subject  
8 to such consultation or other requirements as  
9 might otherwise apply.”.

10 (2) CONFORMING AMENDMENT.—Section 7(b)  
11 of the Inspector General Reform Act of 2008 (Public  
12 Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note)  
13 is repealed.

14 (b) AGENCY APPLICABILITY.—

15 (1) AMENDMENTS.—The Inspector General Act  
16 of 1978 (5 U.S.C. App.), as amended by section  
17 2(a), is further amended—

18 (A) in section 8M—

19 (i) in subsection (a)(1)—

20 (I) by striking the first “agency”  
21 and inserting “Federal agency and  
22 designated Federal entity”; and

23 (II) by striking the second and  
24 third “agency” and inserting “Federal

1 agency or designated Federal entity”;

2 and

3 (ii) in subsection (b)—

4 (I) in paragraph (1), by striking

5 “agency” and inserting “Federal

6 agency and designated Federal enti-

7 ty”; and

8 (II) in paragraph (2)—

9 (aa) in subparagraph (A),

10 by striking “agency” and insert-

11 ing “Federal agency and des-

12 ignated Federal entity”; and

13 (bb) in subparagraph (B),

14 by striking “agency” and insert-

15 ing “Federal agency and des-

16 ignated Federal entity”; and

17 (B) in section 11(c)(3)(A)(ii), by striking

18 “department, agency, or entity of the executive

19 branch” and inserting “Federal agency or des-

20 ignated Federal entity”.

21 (2) IMPLEMENTATION.—Not later than 180

22 days after the date of the enactment of this Act, the

23 head and the Inspector General of each Federal

24 agency and each designated Federal entity (as such

25 terms are defined in sections 12 and 8G of the In-

1       specter General Act of 1978 (5 U.S.C. App.), re-  
2       spectively) shall implement the amendments made by  
3       this subsection.

4       (c) REQUIREMENTS FOR INSPECTORS GENERAL  
5 WEBSITES.—Section 8M(b)(1) of the Inspector General  
6 Act of 1978 (5 U.S.C. App.) is amended—

7           (1) in subparagraph (A), by striking “report or  
8       audit (or portion of any report or audit)” and insert-  
9       ing “audit report, inspection report, or evaluation  
10      report (or portion of any such report)”;

11          (2) by striking “report or audit (or portion of  
12      that report or audit)” and inserting “report (or por-  
13      tion of that report)”, each place it appears.

14      (d) CORRECTIONS.—

15          (1) EXECUTIVE ORDER NUMBER.—Section  
16      7(c)(2) of the Inspector General Reform Act of 2008  
17      (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.  
18      501 note) is amended by striking “12933” and in-  
19      serting “12993”.

20          (2) PUNCTUATION AND CROSS-REFERENCES.—  
21      The Inspector General Act of 1978 (5 U.S.C. App.),  
22      as amended by section 2(a) and subsection (b), is  
23      further amended—

24           (A) in section 4(b)(2)—

1 (i) by striking “8F(a)(2)” and insert-  
2 ing “8G(a)(2)”, each place it appears; and

3 (ii) by striking “8F(a)(1)” and insert-  
4 ing “8G(a)(1)”;

5 (B) in section 6(a)(4), by striking “infor-  
6 mation, as well as any tangible thing)” and in-  
7 serting “information), as well as any tangible  
8 thing”;

9 (C) in section 8G(g)(3), by striking “8C”  
10 and inserting “8D”; and

11 (D) in section 5(a)(13), by striking  
12 “05(b)” and inserting “804(b)”.

13 (3) SPELLING.—The Inspector General Act of  
14 1978 (5 U.S.C. App.), as amended by section 2(a),  
15 subsection (b), and paragraph (2), is further amend-  
16 ed—

17 (A) in section 3(a), by striking “subpena”  
18 and inserting “subpoena”;

19 (B) in section 6(a)(4), by striking “sub-  
20 pena” and “subpenas” and inserting “sub-  
21 poena” and “subpoenas”, respectively;

22 (C) in section 8D(a)—

23 (i) in paragraph (1), by striking “sub-  
24 penas” and inserting “subpoenas”; and

1 (ii) in paragraph (2), by striking  
2 “subpena” and inserting “subpoena”, each  
3 place it appears;

4 (D) in section 8E(a)—

5 (i) in paragraph (1), by striking “sub-  
6 penas” and inserting “subpoenas”; and

7 (ii) in paragraph (2), by striking  
8 “subpena” and inserting “subpoena”, each  
9 place it appears; and

10 (E) in section 8G(d), by striking “sub-  
11 pena” and inserting “subpoena”.

12 (e) REPEAL.—Section 744 of the Financial Services  
13 and General Government Appropriations Act, 2009 (divi-  
14 sion D of Public Law 111–8; 123 Stat. 693) is repealed.

15 **SEC. 6. REPORTS REQUIRED.**

16 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-  
17 SPECTOR GENERAL.—

18 (1) GAO STUDY REQUIRED.—The Comptroller  
19 General shall conduct a study of prolonged vacancies  
20 in the Offices of Inspector General, during which a  
21 temporary appointee has served as the head of the  
22 office that includes—

23 (A) the number and duration of Inspector  
24 General vacancies;

1 (B) an examination of the extent to which  
2 the number and duration of such vacancies has  
3 changed over time;

4 (C) an evaluation of the impact such va-  
5 cancies have had on the ability of the relevant  
6 Office of the Inspector General to effectively  
7 carry out statutory requirements; and

8 (D) recommendations to minimize the du-  
9 ration of such vacancies.

10 (2) COMMITTEE BRIEFING REQUIRED.—Not  
11 later than nine months after the date of the enact-  
12 ment of this Act, the Comptroller General shall  
13 present a briefing on the findings of the study de-  
14 scribed in subsection (a) to the Committee on Over-  
15 sight and Government Reform of the House of Rep-  
16 resentatives and the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate.

18 (3) REPORT TO CONGRESS.—Not later than fif-  
19 teen months after the date of the enactment of this  
20 Act, the Comptroller General shall submit a report  
21 on the findings of the study described in subsection  
22 (a) to the Committee on Oversight and Government  
23 Reform of the House of Representatives and the  
24 Committee on Homeland Security and Governmental  
25 Affairs of the Senate.

1 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-  
2 FICES OF INSPECTOR GENERAL.—

3 (1) EXAMINATION REQUIRED.—The Council of  
4 the Inspectors General on Integrity and Efficiency  
5 shall conduct an analysis of critical issues that in-  
6 volve the jurisdiction of more than one individual  
7 Federal agency or entity to identify—

8 (A) each such issue that could be better  
9 addressed through greater coordination among,  
10 and cooperation between, individual Offices of  
11 Inspector General;

12 (B) the best practices that can be em-  
13 ployed by the Offices of Inspector General to in-  
14 crease coordination and cooperation on each  
15 issue identified; and

16 (C) any recommended statutory changes  
17 that would facilitate coordination and coopera-  
18 tion among Offices of Inspector General on crit-  
19 ical issues.

20 (2) REPORT TO CONGRESS.—Not later than one  
21 year after the date of the enactment of this Act, the  
22 Council of the Inspectors General on Integrity and  
23 Efficiency shall submit a report on the findings of  
24 the analysis described in subsection (a) to the Com-  
25 mittee on Oversight and Government Reform of the

1 House of Representatives and the Committee on  
2 Homeland Security and Governmental Affairs of the  
3 Senate.

4 **SEC. 7. PUBLIC RELEASE OF MISCONDUCT REPORT.**

5 (a) PUBLIC RELEASE BY INSPECTORS GENERAL OF  
6 REPORT OF MISCONDUCT.—Section 4(a) of the Inspector  
7 General Act of 1978 (5 U.S.C. App.) is amended—

8 (1) in paragraph (4), by striking “; and” and  
9 inserting a semicolon;

10 (2) in paragraph (5), by striking the period and  
11 inserting “; and”; and

12 (3) by inserting at the end the following new  
13 paragraph:

14 “(6) to make publicly available not later than  
15 60 days after issuing a final report on any adminis-  
16 trative investigation that confirms misconduct, in-  
17 cluding any violation of Federal law and any viola-  
18 tion of Federal agency policy, by any member of the  
19 Senior Executive Service, employee in a position that  
20 is excepted from the competitive service because of  
21 its confidential, policy-determining, policy-making, or  
22 policy-advocating character, or commissioned officer  
23 in the Armed Forces in pay grades O–6 and above  
24 (ensuring that information protected under section  
25 552 of title 5, United States Code (commonly known

1 as the ‘Freedom of Information Act’), section 552a  
2 of title 5, United States Code (commonly known as  
3 the ‘Privacy Act of 1974’), and section 6103 of the  
4 Internal Revenue Code of 1986 is not disclosed).”.

5 (b) REPORTS OF MISCONDUCT IN SEMIANNUAL RE-  
6 PORTS.—Section 5(a) of the Inspector General Act of  
7 1978 (5 U.S.C. App.), as amended by section 2(a)(2) is  
8 further amended—

9 (1) in paragraph (16), by striking “; and” and  
10 inserting a semicolon;

11 (2) in paragraph (17), by striking the period at  
12 the end and inserting “; and”; and

13 (3) by inserting at the end the following new  
14 paragraph:

15 “(18) a list of and summary of any administra-  
16 tive investigation that confirms misconduct, includ-  
17 ing any violation of Federal law and violation of any  
18 Federal agency policy, by any member of the Senior  
19 Executive Service, employee in a position that is ex-  
20 cepted from the competitive service because of its  
21 confidential, policy-determining, policy-making, or  
22 policy-advocating character, or commissioned officer  
23 in the Armed Forces in pay grades O–6 and above.”.