

114TH CONGRESS  
1ST SESSION

# H. R. 2395

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

MAY 18, 2015

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

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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-  
 22 essary in the performance of the functions assigned by this  
 23 Act, which subpoena, in the case of contumacy or refusal

1 to obey, shall be enforceable by order of any appropriate  
2 United States district court.

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

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

9 “(d) PANEL REVIEW BEFORE ISSUANCE.—

10 “(1) APPROVAL REQUIRED.—

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

22 “(B) REASONABLE CAUSE.—Any request  
23 submitted by an Inspector General under sub-  
24 paragraph (A) shall demonstrate reasonable  
25 cause that each witness requested by the sub-

1 poena possesses information pertinent and nec-  
2 essary to the investigation.

3 “(C) PROTECTION FROM DISCLOSURE.—

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

9 “(2) TIME TO RESPOND.—

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

15 “(B) ADDITIONAL INFORMATION FOR

16 PANEL.—If the Subpoena Panel determines  
17 that additional information is necessary to ap-  
18 prove or deny such request, the Subpoena Panel  
19 shall request such information and shall ap-  
20 prove or deny such request not later than 20  
21 days after the submission of such request.

22 “(3) DENIAL BY PANEL.—If a majority of the

23 Subpoena Panel denies the approval of a subpoena,  
24 that subpoena may not be issued.

25 “(e) NOTICE TO ATTORNEY GENERAL.—

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

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

14          “(3) ISSUANCE OF SUBPOENA.—An Inspector  
15          General may not issue a subpoena under this section  
16          unless the Attorney General approves the issuance of  
17          the subpoena.

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

22                 (2) in section 5(a)—

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

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

3 (C) by inserting at the end the following  
4 new paragraph:

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

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

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

13 (2) by redesignating paragraph (9) as para-  
14 graph (10); and

15 (3) by inserting after paragraph (8) the fol-  
16 lowing new paragraph:

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

20 “(A) to compare, through a matching pro-  
21 gram (as defined in such section), any Federal  
22 records with other Federal or non-Federal  
23 records, while conducting an audit, investiga-  
24 tion, inspection, evaluation, or other review au-  
25 thorized under this Act to identify weaknesses

1 that may lead to waste, fraud, or abuse and to  
 2 detect improper payments and fraud; and

3 “(B) to take action to protect any informa-  
 4 tion collected pursuant to subparagraph (A);  
 5 and”.

6 **SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**  
 7 **OF THE INSPECTORS GENERAL ON INTEG-**  
 8 **RITY AND EFFICIENCY.**

9 (a) FUNCTIONS AND DUTIES OF COUNCIL.—Section  
 10 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.  
 11 App.) is amended—

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

14 (2) by redesignating subparagraph (H) as sub-  
 15 paragraph (I); and

16 (3) by inserting after subparagraph (G) the fol-  
 17 lowing new subparagraph:

18 “(H) receive, review, and mediate any dis-  
 19 putes submitted in writing to the Council by an  
 20 Office of Inspector General regarding an audit,  
 21 investigation, inspection, evaluation, or project  
 22 that involves the jurisdiction of more than one  
 23 Federal agency or entity; and”.

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

4 (1) in paragraph (5)—

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

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

9 (C) by inserting at the end the following  
10 new subparagraph:

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

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

19 (3) in paragraph (7)—

20 (A) in subparagraph (B)(i)—

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

23 (ii) in subclause (IV), by striking the  
24 period at the end and inserting a semi-  
25 colon; and



1 (iii) by inserting at the end the fol-  
2 lowing new subclauses:

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

7 “(VI) creating procedures to  
8 avoid conflicts of interest for Integrity  
9 Committee investigations.”;

10 (B) by redesignating subparagraph (C) as  
11 subparagraph (E); and

12 (C) by inserting after subparagraph (B)  
13 the following new subparagraphs:

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

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

22 “(ii) if the investigation cannot be  
23 completed within such six-month period,  
24 shall—

1 “(I) promptly notify the congres-  
2 sional committees listed in paragraph  
3 (8)(A)(iii); and

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

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

13 “(D) CONCURRENT INVESTIGATION.—If an  
14 investigation of an allegation of wrongdoing  
15 against an Inspector General or a staff member  
16 of an Office of Inspector General described  
17 under paragraph (4)(C) is initiated by a gov-  
18 ernmental entity other than the Integrity Com-  
19 mittee, the Integrity Committee may conduct  
20 any related investigation for which a determina-  
21 tion to initiate an investigation was made under  
22 paragraph (5) concurrently with the other gov-  
23 ernment entity.”.

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

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

7 (2) in subsection (d)(2)—

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

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

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

15 Section 3518(c) of title 44, United States Code, is  
16 amended—

17 (1) in paragraph (1), by striking “paragraph  
18 (2)” and inserting “paragraph (3)”;

19 (2) by redesignating paragraph (2) as para-  
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-  
22 lowing new paragraph:

23 “(2) Notwithstanding paragraph (3), this subchapter  
24 shall not apply to the collection of information during the  
25 conduct of any evaluation, or other review conducted by

1 the Recovery Accountability and Transparency Board, or  
 2 during the conduct of any audit, investigation, inspection,  
 3 evaluation, or any other review conducted by the Council  
 4 of the Inspectors General on Integrity and Efficiency or  
 5 any Office of Inspector General, including any Office of  
 6 Special Inspector General.”.

7 **SEC. 5. AMENDMENTS TO THE INSPECTOR GENERAL ACT**  
 8 **OF 1978 AND THE INSPECTOR GENERAL RE-**  
 9 **FORM ACT OF 2008.**

10 (a) INCORPORATION OF PROVISIONS FROM THE IN-  
 11 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-  
 12 SPECTOR GENERAL ACT OF 1978.—

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

16 “(12) ALLEGATIONS OF WRONGDOING AGAINST  
 17 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

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

22 “(B) AUTHORITY OF INTEGRITY COM-  
 23 MITTEE.—

24 “(i) IN GENERAL.—An allegation of  
 25 wrongdoing against the Special Counsel or

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

12 “(ii) COORDINATION WITH EXISTING  
13 PROVISIONS OF LAW.—This paragraph  
14 does not eliminate access to the Merit Sys-  
15 tems Protection Board for review under  
16 section 7701 of title 5, United States  
17 Code. To the extent that an allegation  
18 brought under this subsection involves sec-  
19 tion 2302(b)(8) of that title, a failure to  
20 obtain corrective action within 120 days  
21 after the date on which that allegation is  
22 received by the Integrity Committee shall,  
23 for purposes of section 1221 of such title,  
24 be considered to satisfy section  
25 1214(a)(3)(B) of that title.

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

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

10          (b) AGENCY APPLICABILITY.—

11           (1) AMENDMENTS.—The Inspector General Act  
12           of 1978 (5 U.S.C. App.), as amended by section  
13           2(a), is further amended—

14           (A) in section 8M—

15           (i) in subsection (a)(1)—

16                   (I) by striking the first “agency”  
17                   and inserting “Federal agency and  
18                   designated Federal entity”; and

19                   (II) by striking the second and  
20                   third “agency” and inserting “Federal  
21                   agency or designated Federal entity”;  
22                   and

23           (ii) in subsection (b)—

24                   (I) in paragraph (1), by striking  
25                   “agency” and inserting “Federal

1                   agency and designated Federal enti-  
2                   ty”; and

3                   (II) in paragraph (2)—

4                   (aa) in subparagraph (A),  
5                   by striking “agency” and insert-  
6                   ing “Federal agency and des-  
7                   ignated Federal entity”; and

8                   (bb) in subparagraph (B),  
9                   by striking “agency” and insert-  
10                  ing “Federal agency and des-  
11                  ignated Federal entity”; and

12                  (B) in section 11(c)(3)(A)(ii), by striking  
13                  “department, agency, or entity of the executive  
14                  branch” and inserting “Federal agency or des-  
15                  ignated Federal entity”.

16                  (2) IMPLEMENTATION.—Not later than 180  
17                  days after the date of the enactment of this Act, the  
18                  head and the Inspector General of each Federal  
19                  agency and each designated Federal entity (as such  
20                  terms are defined in sections 12 and 8G of the In-  
21                  spector General Act of 1978 (5 U.S.C. App.), re-  
22                  spectively) shall implement the amendments made by  
23                  this subsection.

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

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

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

11 (d) CORRECTIONS.—

12 (1) EXECUTIVE ORDER NUMBER.—Section  
 13 7(c)(2) of the Inspector General Reform Act of 2008  
 14 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.  
 15 501 note) is amended by striking “12933” and in-  
 16 serting “12993”.

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

21 (A) in section 4(b)(2)—

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

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



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

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

7 (D) in section 5(a)(13), by striking  
8 “05(b)” and inserting “804(b)”.

9 (3) SPELLING.—The Inspector General Act of  
10 1978 (5 U.S.C. App.), as amended by section 2(a),  
11 subsection (b), and paragraph (2), is further amend-  
12 ed—

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

15 (B) in section 6(a)(4), by striking “sub-  
16 pena” and “subpenas” and inserting “sub-  
17 poena” and “subpoenas”, respectively;

18 (C) in section 8D(a)—

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

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

24 (D) in section 8E(a)—

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

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

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

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

11 **SEC. 6. REPORTS REQUIRED.**

12 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-  
 13 SPECTOR GENERAL.—

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

19 (A) the number and duration of Inspector  
 20 General vacancies;

21 (B) an examination of the extent to which  
 22 the number and duration of such vacancies has  
 23 changed over time;

24 (C) an evaluation of the impact such va-  
 25 cancies have had on the ability of the relevant

1 Office of the Inspector General to effectively  
2 carry out statutory requirements; and

3 (D) recommendations to minimize the du-  
4 ration of such vacancies.

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

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

21 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-  
22 FICES OF INSPECTOR GENERAL.—

23 (1) EXAMINATION REQUIRED.—The Council of  
24 the Inspectors General on Integrity and Efficiency  
25 shall conduct an analysis of critical issues that in-

1        involve the jurisdiction of more than one individual  
2        Federal agency or entity to identify—

3                (A) each such issue that could be better  
4                addressed through greater coordination among,  
5                and cooperation between, individual Offices of  
6                Inspector General;

7                (B) the best practices that can be em-  
8                ployed by the Offices of Inspector General to in-  
9                crease coordination and cooperation on each  
10              issue identified; and

11              (C) any recommended statutory changes  
12              that would facilitate coordination and coopera-  
13              tion among Offices of Inspector General on crit-  
14              ical issues.

15              (2) REPORT TO CONGRESS.—Not later than one  
16              year after the date of the enactment of this Act, the  
17              Council of the Inspectors General on Integrity and  
18              Efficiency shall submit a report on the findings of  
19              the analysis described in subsection (a) to the Com-  
20              mittee on Oversight and Government Reform of the  
21              House of Representatives and the Committee on  
22              Homeland Security and Governmental Affairs of the  
23              Senate.

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

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

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

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

9 (3) by inserting at the end the following new  
10 paragraph:

11 “(6) to make publicly available not later than  
12 60 days after issuing a final report on any adminis-  
13 trative investigation that confirms misconduct, in-  
14 cluding any violation of Federal law and any viola-  
15 tion of Federal agency policy, by any member of the  
16 Senior Executive Service, employee in a position that  
17 is excepted from the competitive service because of  
18 its confidential, policy-determining, policy-making, or  
19 policy-advocating character, or commissioned officer  
20 in the Armed Forces in pay grades O–6 and above  
21 (ensuring that information protected under section  
22 552 of title 5, United States Code (commonly known  
23 as the ‘Freedom of Information Act’), section 552a  
24 of title 5, United States Code (commonly known as  
25 the ‘Privacy Act of 1974’), and section 6103 of the  
26 Internal Revenue Code of 1986 is not disclosed).”.

1 (b) REPORTS OF MISCONDUCT IN SEMIANNUAL RE-  
2 PORTS.—Section 5(a) of the Inspector General Act of  
3 1978 (5 U.S.C. App.), as amended by section 2(a)(2) is  
4 further amended—

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

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

9 (3) by inserting at the end the following new  
10 paragraph:

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

○