With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement—

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this subsection shall include—

(A) an analysis of any changes in the number of cases filed with the Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the Merit Systems Protection Board, the United States Court of Appeals for the Federal Circuit, or any other court determined the allegations to be frivolous or malicious as well as a recommendation whether Congress should grant the Merit Systems Protection Board summary judgment authority for cases described under subparagraph (A);

(C) a recommendation regarding whether Congress should grant jurisdiction for some subset of cases described under subparagraph (A) to be decided by a district court of the United States and an evaluation of the impact that would have on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided by the Merit Systems Protection Board during the period covered by such report in which violations of section 2302(b)(8) or (9)(A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, and the number of petitions for review filed in such cases, during the period covered by such report, and the outcomes of any such cases or petitions for review (irrespective of when filed) decided during such period.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that paragraph that covers the period beginning on the effective date of this Act and ending at the end of the fiscal year in which such effective date occurs.

SEC. 117. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

''(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

''(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

''(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

''(i) about prohibitions on retaliation for protected disclosures; and

''(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

''(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

''(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

''(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

''(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''section 3(d)(1)'' and inserting ''section 3(d)(1)(A)''; and

(2) by striking ''section 3(d)(2)'' and inserting ''section 3(d)(1)(B)''.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 201. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 202. EFFECTIVE DATE.

Except as otherwise provided in section 109, this Act shall take effect 30 days after the date of enactment of this Act.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. VAN HOLLEN. Reserving the right to object, I just want to understand. Is this an amendment to the whistleblower bill or this is the whistleblower bill?

Mr. LEWIS of California. It is a very extensive amendment I had planned to have read, but I understand the gentleman is not going to object. So I am anxious to hear him.

Mr. VAN HOLLEN. This is the whistleblower amendment?

Mr. LEWIS of California. It is.

Mr. VAN HOLLEN. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on the national priorities we're neglecting, including middle class tax cuts, responsible deficit reduction, the Violence Against Women Act, veterans benefits, and protecting Medicare.

The SPEAKER pro tempore. Recognition of Members for such requests is within the discretion of the Chair. The Chair is limiting recognition today to consideration of legislative matters before the House, and such request for a 1-minute speech is not recognized.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WAXMAN. During pro forma session, can the Chair entertain legislative business? Because I have a further parliamentary inquiry: If we can take up legislation to create jobs and avoid the fiscal cliff, since we're taking up other items, I would like to know whether we could do business in the House of Representatives to address the priorities in this Nation?

People want jobs. People want the deficit reduced.

The SPEAKER pro tempore. Does the gentleman have a specific parliamentary inquiry?

Mr. WAXMAN. My specific request is whether, during a pro forma session, can the Chair entertain legislative business?

The SPEAKER pro tempore. The gentleman is asking a question regarding a matter of scheduling. The House just