

Congress of the United States
Washington, DC 20515

June 25, 2026

Director Scott Kupor
U.S. Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Director Kupor:

Thank you for the opportunity to comment on the Office of Personnel Management's proposed "Confidential Government Information Nondisclosure Agreement." We respectfully oppose the proposal and urge OPM to withdraw it.

The proposal defines "Confidential Government Information" expansively to include virtually any non-public information relating to agency operations, personnel matters, procurement activities, or deliberative processes. This definition is considerably broader than categories of information traditionally subject to specific statutory protections. The breadth and ambiguity of the definition may leave employees uncertain about what information can be discussed, shared with oversight entities and Congress, or disclosed through lawful whistleblower channels.

Although OPM states that the proposed nondisclosure agreement (NDA) for federal employees does not create new confidentiality obligations beyond those already imposed by law, regulation, ethics requirements, and agency policies, the practical effect of implementing a government-wide NDA would be to further discourage federal employees from reporting wrongdoing and to create confusion regarding their rights and obligations under federal whistleblower laws.

The proposal is particularly troubling when considered alongside OPM's recent efforts to revise federal suitability and fitness regulations. The notice explicitly links the NDA to existing suitability standards, determinations, and appeals. Employees may reasonably perceive that alleged violations of the NDA or even disagreements regarding its interpretation could have consequences affecting employment eligibility, suitability determinations, or future federal service.

These concerns are amplified by ongoing proposals to modify suitability procedures and appeals processes including the push to strip federal employees of their civil service protections via Schedule Policy/Career. Taken together, these initiatives risk creating an environment in which employees believe that raising concerns, challenging agency actions, or refusing to sign a broadly worded NDA could jeopardize their careers in federal service.

At a time when confidence in whistleblower protections is declining,¹ OPM should be focused on strengthening employees' understanding of their rights and reinforcing a culture of lawful disclosure and accountability not introducing broad new agreements that risks chilling protected activity.

The proposed NDA arrives during a period of significant concern among federal employees regarding retaliation for reporting misconduct. According to 2025 survey data from the Partnership for Public Service, when federal employees were asked, "How confident are you that you can

¹ Partnership for Public Service, <https://bestplacestowork.org/#h-the-impact-of-leadership>

report a suspected violation of a law, rule or regulation without experiencing retaliation?" less than a quarter of respondents reported feeling confident, representing a dramatic decrease from recent years. By contrast, in OPM's 2024 Federal Employee Viewpoint Survey, nearly 75 percent of respondents agreed with the statement, "I can disclose a suspected violation of any rule, law, or regulation without fear of reprisal."

OPM should be deeply concerned by any indication that employees increasingly fear retaliation for reporting wrongdoing. Congress has long relied on federal whistleblowers to expose waste, fraud, and abuse. Any diminished ability of federal employees to report misconduct and mismanagement directly impacts Congress' oversight efforts and can have a grave impact on everything from government efficiency to dangerous or illegal activity going unaddressed.

Additionally, federal employees are already subject to extensive legal and ethical obligations governing the handling of nonpublic information. Existing statutes, regulations, and ethics requirements already prohibit the improper disclosure of protected information, including the Privacy Act of 1974, the Federal Records Act of 1950, the Standards of Ethical Conduct for Employees of the Executive Branch, and additional agency-specific policies.

Federal employees receive ethics training and are routinely instructed regarding their responsibilities to safeguard sensitive information. OPM has not demonstrated that existing authorities are insufficient or identified a systemic problem that necessitates a government-wide NDA applicable to all federal employees.

In conclusion, federal employees already operate under extensive legal obligations governing confidential information. OPM has not demonstrated a need for a government-wide NDA, nor has it adequately addressed the substantial concerns regarding whistleblower protections, employee confidence, suitability implications, post-employment restrictions, and enforcement mechanisms.

At a time when many federal employees already fear retaliation for reporting wrongdoing, the proposed NDA risks further chilling lawful disclosures and undermining the transparency and accountability that Congress depends upon. For these reasons, we respectfully urge OPM to withdraw the proposed NDA and instead focus on strengthening existing confidentiality requirements and whistleblower protections.

Sincerely,



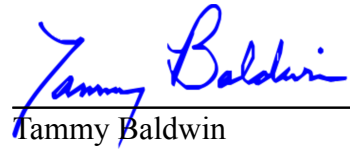
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United States Senator



Mark R. Warner
United States Senator



Angela D. Alsobrooks
United States Senator



Tammy Baldwin
United States Senator



Richard Blumenthal
United States Senator



Christopher A. Coons
United States Senator



Kirsten Gillibrand
United States Senator



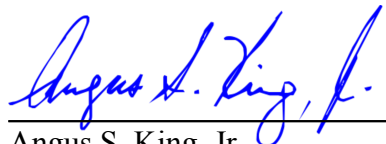
Mazie K. Hirono
United States Senator



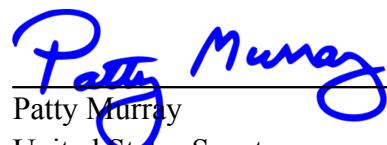
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United States Senator



Andy Kim
United States Senator



Angus S. King, Jr.
United States Senator



Patty Murray
United States Senator



Alex Padilla
United States Senator



Gary C. Peters
United States Senator
Ranking Member, Committee
on Homeland Security and
Governmental Affairs



Jack Reed
United States Senator



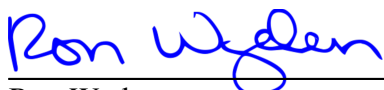
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Elizabeth Warren
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Sheldon Whitehouse
United States Senator



Ron Wyden
United States Senator