



# ACTION ALERT BRIEFING MATERIALS:

## Stop OPM From Silencing Federal Employees

This administration is racing to ensure that the blueprint for autocracy outlined in Project 2025 is embedded throughout the federal government. In 2024, LDAD raised the alarm about the dangers this document posed to the future of this country if it is implemented. [We wrote that](#) Project 2025 embodied an agenda to revise, reorganize, and eliminate vast portions of the statutes, rules, and norms that have guided our democracy and preserved our freedoms during Republican and Democratic administrations alike.

Since January 2025, we have seen that the alarms raised about Project 2025 were not hyperbole. Project 2025 has become governing policy. This Action Alert is asking you to respond to another recent and time-sensitive anti-Constitutional proposal from this administration.

**In its latest move to upend the federal government workforce, the U.S. Office of Personnel Management (OPM) has published a proposed rule that would provide for requiring all federal government employees to sign a nondisclosure agreement (NDA).** When a wrecking ball is applied to the rule of law and the justice system in our country, more silence and less transparency in government pose a significant danger to the public.

**Muting the federal workforce with the threat of job loss and civil and criminal penalties further undermines the rule of law. We must all actively oppose this effort to silence federal employees and avoid accountability in the federal government.**

### HERE ARE WAYS YOU CAN ACT:

- **[Submit comments](#) by midnight, June 26, 2026, opposing the proposed rule.** Use this [Action Alert](#) as a guide. For more specific information on the comment process, please see our [Tips for Commenting Effectively on Proposed Rules](#).
- **Speak out against the rule on multiple platforms.** Write articles and letters to the editor and post on social media to help the public understand what is at stake. Reach out to local podcasters and radio shows to share why this proposed rule must be withdrawn. For additional help, see our [Tips for Writing and Placing Letters to the Editor and Opinion Pieces](#).

# OVERVIEW OF THE PROPOSED RULE

On May 27, 2026, OPM published a proposed rule in the Federal Register: [Confidential Government Information Nondisclosure Agreement](#). The comment period for the proposed rule closes on June 26, 2026.

By providing for federal agencies to require that all federal employees sign an NDA, this proposed rule would effectively gag federal employees, thereby preventing federal government accountability and encouraging federal government corruption.

## Specifically, the proposed rule would:

- Provide for all new and existing federal employees to be required to sign an expansive NDA form as a condition of employment with a federal agency.
- Subject federal employees to removal and debarment from future federal service, as well as civil and criminal penalties, for violating the NDA.
- Require the NDA to remain in effect for five years after a federal employee leaves federal service, a provision that would suppress factual reporting of the history of this administration's actions that the public has a right to know.

# KEY LEGAL ARGUMENTS AGAINST THE RULE

- **There is no existing legal authority for requiring federal employees to sign an NDA form for unclassified, non-privileged, non-personally identifiable information.**

Existing federal law and policies provide for nondisclosure of [classified](#), [privileged](#), or [personally identifiable information](#) such as a person's social security number or date of birth. None of the authorities cited prohibits federal employees from disclosing unclassified, non-privileged, non-personally identifiable information.

- **Federal employees have the *right* to disclose unclassified, non-privileged, non-personally identifiable information and the *obligation* to release unclassified, non-privileged, non-personally identifiable documentation in accordance with federal law.**

**Like anyone in this country, federal employees are protected by the First Amendment of the United States Constitution, which prohibits the federal government from abridging the freedom of speech.** The proposed rule would violate federal employees' First Amendment rights by prohibiting them from disclosing all "non-public, confidential, or proprietary information, created or obtained through their official duties," an undefined term encompassing information that is not protected from disclosure by statute.

Moreover, under [the Whistleblower Protection Act](#), federal employees have the right to disclose information concerning violations of law and waste, fraud, and abuse in the federal government, and the government is prohibited under that statute to retaliate against a federal employee for that type of disclosure. Further, federal employees have the obligation to release documents to the extent they are not exempt from disclosure under [the Freedom of Information Act \(FOIA\)](#).

The scope of the proposed NDA form included as part of the rulemaking proposal is so broad and vague that it covers information that *should* be disclosed under the Whistleblower Protection Act and documentation that *must* be released under FOIA. Even the title of the form, *Confidential Government Information*, is so broadly defined that it could leave employees at risk if they exercise those rights and obligations. **The proposed NDA form thus could be enforced to preclude federal employees from taking actions that are expressly authorized or required by law.**

- **The proposed rule would have a chilling effect on federal employees' speech and would encourage corruption in the federal government.**

Equally important, the proposed NDA form would have a chilling effect on federal employees' speech. If a federal agency uses the proposed NDA form, signing it would be a requirement for suitability as a federal employee. Violation would subject federal employees to removal and debarment from future federal employment, as well as civil and criminal penalties. As a result, **the proposed NDA form would discourage federal employees from reporting violations of law and waste, fraud, and abuse and would encourage corruption in the federal government.**

The proposed NDA form would serve no legitimate governmental interest. To the contrary, the proposed rule would merely shield the federal government from accountability by eliminating sources of information that should otherwise be available to investigative journalists, internal watchdog reviewers, civil service appeals, and Congressional oversight, thereby severely undermining the ability to root out illegality and waste, fraud, and abuse in the federal government.

## **TIES TO PROJECT 2025**

Project 2025 reflects disdain for the civil service system and emphasizes that the key mechanism for controlling policy is to control personnel, [noting that the President](#) “must give personnel management his highest priority...”. Its sweeping changes to the management of the federal workforce include: the weakening of civil service protections; reclassifying certain employees to make them vulnerable to be fired at will; and reforming hiring practices to make it easier to hire employees based on their political loyalty and

commitment to the president's agenda and to fire employees who lack that loyalty and commitment.

**This proposed rule is consistent with Project 2025's vision. By placing enormous power in the hands of the executive, it would weaken legal protections that have long been in place to protect federal employees and ensure an impartial civil service.** The broad scope of the proposed NDA form would allow the administration to characterize any media contacts, criticism of agency policies, and purported leaks as unauthorized and inconsistent with the president's agenda and subject to sanction.

This proposed rule is another significant step in this administration's use of the Project 2025 blueprint to erode the norms and principles of civil society, democracy, the rule of law, and the federal workforce, leaving federal employees more vulnerable to political pressure.

## WHY THIS MATTERS

The proposed NDA rule is the latest in a series of efforts to suppress or purge inconvenient information and intimidate those inside and outside the federal government who might hold the administration accountable. Outside the federal government, this suppression campaign includes retaliating against [media organizations](#) and [law firms](#) suing the federal government. Inside the federal government, the suppression campaign includes firing watchdogs such as:

- [The head of the Office of Special Counsel](#), an independent agency that protects federal employee whistleblowers and investigates their complaints;
- The firing of numerous [Inspectors General](#);
- [The head of the Office of Government Ethics](#);
- [FOIA officers](#);
- [The ethics counsel who advised Todd Blanche](#) to recuse himself from cases involving the president.

**See our [Action Alert](#) for talking points on the proposed rule and actions YOU can take NOW.**