

NAFSR Response to OPM on Proposed NDAs for Federal Employees

June 7, 2026

On behalf of the National Association of Forest Service Retirees (NAFSR) I am submitting these comments on OPM's proposal to require federal employees to sign Non-Disclosure Agreements.

NAFSR strongly opposes this proposal. Current law already restricts federal employees against unauthorized disclosure of information to the public. A governmentwide non-disclosure agreement threatens to chill protected speech, such as reporting corrupt dealings, waste, fraud, and abuse. The federal government operates on behalf of the American people, not private owners or shareholders. The public has a right to a degree of transparency into federal government operations, and federal employees should not be intimidated by the implicit threat of retaliation for legally and constitutionally protected disclosures.

- 1) What scope of information should be covered by the NDA?
 - a. None.
- 2) Does the NDA clearly communicate the types of information that would be subject to non-disclosure requirements.
 - a. NAFSR is strongly opposed to any NDA requirement.
- 3) Are there statutes to which OPM should cite....?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees.
- 4) Do you have suggestions regarding the layout of formatting of the NDA?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees.
- 5) Does the NDA provide sufficient notice to employees....?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees. Use of a blanket NDA across all federal jobs will have a chilling effect on the current workforce and hinder federal recruitment. Agencies already have the means to investigate and discipline unauthorized disclosure of non-public, confidential, or proprietary information. Agencies can also require NDAs for jobs that routinely access and must safeguard confidential information such as HR professionals who handle employees' PII data.
- 6) Does the OPM/GOVT-1 system....?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees. Use of a blanket NDA across all federal jobs will have a chilling effect on the current workforce and hinder federal recruitment. Agencies already have the means to investigate and discipline unauthorized disclosure of non-public, confidential, or proprietary information. Agencies can also require NDAs for jobs that routinely

access and must safeguard confidential information such as HR professionals who handle employees' PII data.

- 7) What are the appropriate actions, if any for agencies to consider taking if existing employees choose not to sign the NDA?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees. Use of a blanket NDA across all federal jobs will have a chilling effect on the current workforce and hinder federal recruitment. Agencies already have the means to investigate and discipline unauthorized disclosure of non-public, confidential, or proprietary information. Agencies can also require NDAs for jobs that routinely access and must safeguard confidential information such as HR professionals who handle employees' PII data.
- 8) What the appropriate actions, if any, for agencies to consider taking if new employees choose not to sign the NDA?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees. Use of a blanket NDA across all federal jobs will have a chilling effect on the current workforce and hinder federal recruitment. Agencies already have the means to investigate and discipline unauthorized disclosure of non-public, confidential, or proprietary information. Agencies can also require NDAs for jobs that routinely access and must safeguard confidential information such as HR professionals who handle employees' PII data.
- 9) Does the NDA clearly communicate the potential consequences of refusal to sign...?
 - a. NAFSR is strongly opposed to any required NDA for all federal employees. Use of a blanket NDA across all federal jobs will have a chilling effect on the current workforce and hinder federal recruitment. Agencies already have the means to investigate and discipline unauthorized disclosure of non-public, confidential, or proprietary information. Agencies can also require NDAs for jobs that routinely access and must safeguard confidential information such as HR professionals who handle employees' PII data.

10) What else should OPM consider with regard to the NDA?

a. OPM should drop this proposal altogether.

I cannot overstate how strongly NAFSR is opposed to this proposal.

Sincerely

/s/Bill Avey

BILL AVEY

Chair

National Association of Forest Service Retirees