



Written by [Veronika Kyrylenko](#) on May 27, 2026

Trump Administration Proposes Federal Employee NDAs in New Push to Seal the State

The federal government has become increasingly comfortable watching the public. It is far less comfortable being watched itself.

The latest move comes through the Office of Personnel Management (OPM), the federal government's personnel agency, which now proposes a government-wide nondisclosure agreement (NDA) for federal employees. The draft form would apply to both new hires and current workers at participating agencies. OPM says the agreement would not create new speech restrictions. It would merely make employees acknowledge duties that already exist under law.



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But the practical effect could be much broader. The proposal would place another legal warning sign between federal employees and the public. It would also give agencies a new tool to discipline workers who disclose internal information without permission.

OPM's proposed NDA does not cover only classified secrets. Per the memo, it may include "information relating to internal agency operations, personnel matters, procurement processes, or any sensitive, pre-decisional or deliberative material."

In plain English, that means much of the ordinary machinery of government notorious for waste, inefficiency, and corruption.

A Secrecy Form for the Whole Bureaucracy

OPM presented [the proposal](#) as a standardization measure:

OPM believes that a governmentwide NDA form will promote consistency across Government, better protect confidential information, and better inform Federal employees of their rights and obligations regarding confidential information.

The agency also insists the form would not erase protected disclosures. It says the NDA would preserve the right to make disclosures "authorized by law," including protected whistleblower disclosures to Congress, inspectors general, or other designated officials.

But the structure of the proposal points in a harder direction. OPM says the form would become part of an employee's Electronic Official Personnel Folder (eOPF), which "follows an employee throughout service with any federal agency." New hires could be required to sign it during onboarding. Current employees could also be asked to sign. OPM calls the form optional for agencies, but then asks what agencies should do if existing employees or new hires refuse.



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That question exposes the pressure point. If refusal carries employment consequences, the NDA stops looking like a neutral acknowledgment. It becomes a loyalty gate. A worker may still have formal whistleblower rights. But many employees will not test those rights against the risk of discipline, removal, civil penalties, or criminal exposure.

The draft agreement would also outlive the job. According to [the draft version of the NDA](#), it would remain in place even after a federal employee changes jobs or leaves government, unless an authorized agency official permits disclosure in writing. Violations could bring discipline, including termination, civil penalties, or criminal penalties.

That is why the proposal could chill speech without formally banning it. It does not need to outlaw every disclosure. It only needs to make federal workers think twice before telling the public what is happening inside the state.

The Memo's Case Against Leaks

OPM [built its argument](#) around recent disclosures:

The template NDA comes amid a series of recent unauthorized disclosures involving sensitive government information, including leaks related to planned immigration enforcement operations, disclosures of confidential operational details prior to a US action overseas, and the release of personal information belonging to approximately 4,500 ICE employees, including frontline enforcement personnel.

Some of those concerns are legitimate. The government has a duty to protect troop movements, active operations, personal data, and classified information. No serious transparency argument requires exposing agents' home addresses or warning targets before a lawful operation.

But, as stressed earlier, the proposal does not stop there. It also reaches pre-decisional policy material, internal agency operations, personnel matters, and procurement processes. That is a different category.

Leaks in that category may embarrass officials. They may reveal incompetence, corruption, ideological pressure, legal shortcuts, or internal dissent. They may also expose unlawful or abusive policies before the public receives the polished version.

That kind of disclosure often has little to do with public safety or national security, the state's favored justifications when it wants more secrecy. Sometimes it is simply exposure of how government works behind closed doors. And in a bureaucracy that has long outgrown its [constitutional limits](#), that exposure may be the only way citizens learn what the overgrown executive branch is doing in their name.

Critics Warn of a Chilling Effect

The American Federation of Government Employees, the largest federal employee union, condemned the proposal. Its president, Everett Kelley, [stated](#):

OPM continues its efforts to silence federal employees. This proposed NDA is another attempt by the administration to purge the civil service of nonpartisan career employees and replace them with loyalists who won't speak out against waste, fraud, and abuse. Federal employees do not surrender their First Amendment rights when they accept federal



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employment, and the public has a right to know about this administration's abuses.

Kelley also warned that OPM would pressure agencies to make the NDA mandatory and then fire employees who refused to sign it. He argued that agencies already have extensive tools to prevent the unauthorized release of classified or privileged information.

Indeed, federal employees face multiple legal limits on disclosure. [The Privacy Act of 1974](#) restricts disclosure of personal information. [Ethics rules](#) bar employees from using or disclosing nonpublic information for private gain. Classified material, procurement records, law-enforcement-sensitive information, privileged agency communications, and agency-specific rules at the IRS, the intelligence agencies, and departments such as Justice and Homeland Security already carry separate, strict protections. The proposed NDA therefore appears to add less legal clarity than institutional pressure.

Secrecy Beyond the NDA

The NDA proposal does not stand alone. The administration has also moved against leaks through other channels.

Earlier this year, the FBI [searched the home](#) of a *Washington Post* reporter as part of an investigation into a federal contractor accused of retaining classified documents.

In March 2025, officials at the Department of Homeland Security also began [using polygraph tests](#) on employees in an effort to identify press leakers.

The Pentagon became another front. Defense Secretary Pete Hegseth imposed new rules on reporters covering the department. The policy restricted journalists from gathering certain information, including some unclassified information, unless officials had authorized its release. News organizations that refused risked losing access.

Dozens of reporters turned in their Pentagon badges rather than accept the rules. A federal judge later [blocked the policy](#), finding that it likely violated the First Amendment.

Together, these episodes show the same impulse. The government is not only trying to punish unlawful disclosures after they occur. It is trying to control the channels through which information reaches the public.



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