

HUMAN RESOURCES

Nearly 30,000 Comments Pour In on OPM's Proposed NDA, But Most Are Form Letters

Nearly 30,000 comments filed on OPM's NDA proposal, mostly templated, reveal overwhelming public and organizational opposition to the rule.

By Ian Smith

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OPM's proposed governmentwide nondisclosure agreement drew nearly 30,000 public comments by the June 26 deadline, but a FedSmith analysis of the full comment text found that more than 85% of submissions trace back to one of four nearly identical form-letter templates that appear to be from organized advocacy campaigns.

The full comment file from regulations.gov contained 29,775 total comments, and more than 25,000 of those are form letters — word-for-word identical within each of four templates, with only the submitter's first name and location swapped in. Two single-day spikes — 8,523 comments on June 23 and another 8,436 batch-posted June 30 as OPM worked through its processing backlog after the deadline — together make up more than half the entire docket.

What The Proposed Rule Would Do

The Office of Personnel Management proposed a standardized nondisclosure agreement (<https://www.fedsmith.com/2026/05/26/opm-proposes-standardized-nondisclosure-agreements-to-stem-unauthorized-leaks/>) on May 26, intended for optional use by federal agencies for both new and current employees. The form would cover "confidential government information," a category OPM defines broadly to include internal agency operations, personnel matters, procurement processes, and pre-decisional or deliberative material not currently public.

Use of the form would be optional for each agency. Agencies that adopt it would administer the NDA to new hires during onboarding and could require current employees to sign it as well. The signed form would become part of an employee's Electronic Official Personnel Folder. OPM states the proposal does not create new restrictions on employee speech but instead formalizes existing nondisclosure obligations while preserving whistleblower protections under law.

The comment period closed June 26, 2026.

Breaking Down The Comment Data

To analyze the full text of nearly 30,000 submissions, I used AI tools to compare comments for duplicate and near-duplicate patterns. There are four distinct templates that comprise the vast majority of the comments.

Three of the templates open with variations on “As a taxpayer and member of the public,” “I am writing as a concerned citizen,” and “I submit this comment in opposition.” A fourth opens with “I strongly oppose OPM’s proposed rule to impose a government-wide nondisclosure agreement on federal” and accounts for nearly 2,000 additional comments.

In the three largest templates, the body is identical across thousands of submissions — a first name and state are just tacked directly onto the end of the final sentence with no space or punctuation, producing strings like “...existing whistleblower protections.SusanFlorida.” It’s the signature of a mail-merge campaign tool that auto-fills a fixed letter with the submitter’s name and location.

The vast majority of the templated comments carry a U.S. state name in the appended field, with California, New York, Florida, and Pennsylvania most represented. A smaller number carry non-U.S. locations instead, including regions in France, Spain, Australia, Canada, Germany, Switzerland, and Ukraine.

The remaining roughly 4,000 comments that don’t match any template trickled in steadily from May 27 onward — the kind of pattern you’d expect from people writing on their own, not in response to a campaign blast.

Calls to Action Against OPM’s NDA Proposal

Various organizations and lawmakers publicly spoke out against the proposed rule and submitted some of their own comments. Several urged individuals to submit their own comments to oppose the rule for various reasons. Whether or not any of them had an impact on the volume of submissions is unknown.

Lawyers Defending American Democracy (LDAD) published an [action alert and accompanying briefing materials](https://ldad.org/letters-briefs/action-alert-stop-opm-from-silencing) (<https://ldad.org/letters-briefs/action-alert-stop-opm-from-silencing>) laying out legal arguments against the proposed NDA, including that it lacks statutory authority to cover unclassified information, that it would conflict with the Whistleblower Protection Act, and that its scope is inconsistent with the Freedom of Information Act.

The National Active and Retired Federal Employees Association (NARFE) [published its own call to action on June 8](https://www.narfe.org/blog/2026/06/08/action-needed-submit-comment-in-opposition-to-requi) (<https://www.narfe.org/blog/2026/06/08/action-needed-submit-comment-in-opposition-to-requi>

[red-federal-nda/](#)), encouraging members to submit comments opposing the proposed NDA. NARFE submitted its own comments on the proposal as well.

Southworth PC, a law firm that specializes in federal employment matters, wrote in a [blog post](http://www.attorneysforfederalempleyees.com/blog/2026/06/opms-proposed-federal-employee-nda-is-missing-words-the-law-requires-we-filed-a-formal-comment-asking-opm-to-withdraw-it/) (<http://www.attorneysforfederalempleyees.com/blog/2026/06/opms-proposed-federal-employee-nda-is-missing-words-the-law-requires-we-filed-a-formal-comment-asking-opm-to-withdraw-it/>) that they concluded the proposed rule “omits words that Congress requires, word for word, in every federal nondisclosure agreement.” Consequently, the firm said it submitted comments “asking OPM to withdraw the draft, fix it, and start the comment process over.” It encouraged others to submit their own comments.

Opposition From Congress

Some lawmakers raised concerns about the NDA proposal.

Senator Charles Grassley (R-IA) sent a [letter](https://www.grassley.senate.gov/imo/media/doc/grassley_to_opm_-_government_wide_nda.pdf) (https://www.grassley.senate.gov/imo/media/doc/grassley_to_opm_-_government_wide_nda.pdf) to OPM raising concerns about its potential impact on whistleblowers. He believes the NDA, if enacted, would “result in a chilling effect on employees and former employees from reporting misconduct out of fear they could be penalized for violating the terms of these agreements and policies.”

A group of 44 House members expressed some of the same concerns. They sent a [letter](https://krishnamoorthi.house.gov/sites/evo-subsites/krishnamoorthi-evo.house.gov/files/evo-media-document/krishnamoorthi-lansman-letter-to-opm-re-ndas-for-federal-employees.pdf) (<https://krishnamoorthi.house.gov/sites/evo-subsites/krishnamoorthi-evo.house.gov/files/evo-media-document/krishnamoorthi-lansman-letter-to-opm-re-ndas-for-federal-employees.pdf>) to OPM, part of which said, “Mandatory, government-wide NDAs will only block lawful whistleblowing and disclosures, undermine government transparency and accountability, and erode the independence and integrity of the nonpartisan civil service.”

A Long List of Organizational Opponents

57 comments were filed under a named organization — federal employee unions, good-government watchdog groups, press freedom organizations, professional associations, and retiree groups. Most organizational submissions oppose the rule. Among those filing formal comments:

- National Treasury Employees Union (NTEU)
- American Federation of Government Employees (AFGE)
- International Federation of Professional and Technical Engineers (IFPTE)
- American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
- American Civil Liberties Union (ACLU)
- Project On Government Oversight (POGO)
- Citizens for Responsibility and Ethics in Washington (CREW)
- Government Accountability Project

- National Whistleblower Center
- Reporters Committee for Freedom of the Press
- Society of Professional Journalists
- Freedom of the Press Foundation
- National Association of Forest Service Retirees
- Coalition to Protect America's National Parks

Opposition Is Nearly Unanimous

Across all 29,775 comments, support for the proposed rule was vanishingly rare. A thorough review of the non-templated comments turned up only about eight that clearly back it. The most substantive of those, submitted May 29, argues that recent unauthorized disclosures justify the requirement and that signing the NDA should be a condition of continued federal employment.

This is LONG overdue. A recent unauthorized leak put an employee and their family in danger, even though this employee has served faithfully through various administrations.

The claims that a NDA stifles free speech are spurious. NDAs are common across many professional fields from academic and private research to small and large business. Government employees are already constrained by the Hatch Act from inappropriate use of their positions to engage in or influence politics.

This decades long precedent reminds us that a position in the federal government is one of public trust and that the person is entrusted with a degree of responsibility outside that of the ordinary citizen. The regulations regarding their conduct should, therefore, reflect this higher standard.

Moreover, the signer of any NDA does so with full awareness. If they do not care for the terms or are unwilling to comply, they simply do not sign and may not then benefit from the position or any knowledge gained from it.

Existing employees who refuse to sign an NDA should have their clearances revoked, access to government facilities terminated and use of government equipment blocked.

The roughly 4,000 individually written comments include detailed objections from federal employees describing their own roles and experience. A retired Defense Department employee with 37 years of federal service wrote:

I retired from the Defense Department after 37 years of federal service in Georgia, Illinois, New Jersey, Pennsylvania, Texas, Germany, and Haiti. I know the importance of whistleblowers in uncovering fraud, waste, and abuse.

I was fully aware of information that I could not release because of national security, procurement, personnel, or other reasons. For part of my career, I oversaw the FOIA program for the Army's largest two-star command. However, the public has a right to know how we spend their money and what we plan for their sons and daughters.

Therefore, I oppose the proposed NDA for all federal employees. It could confuse the situation and it could put a chill on the whistleblowers who would otherwise expose fraud, waste, and abuse.

I am also the president of NARFE Florida Inc., which represents the 95,000 active federal employees and 200,000 federal retirees in the state.

IFPTE Local 777, representing federal employees who operate and maintain inland waterway infrastructure including locks and dams, raised a more operational concern in its formal submission:

What concerns us is that OPM has not explained why this additional nondisclosure agreement is necessary when Federal employees are already subject to numerous policies, training requirements, and certifications regarding the handling of government information.

Federal employees are often the first people to identify issues before they become larger problems. We see staffing shortages. We see deferred maintenance. We see equipment issues. We see safety concerns. We see challenges that affect mission accomplishment and taxpayer service.

Taxpayers do not benefit when employees become reluctant to speak because they are unsure whether a discussion about staffing, maintenance, safety, or operational concerns could later be characterized as disclosure of protected information.

What Comes Next?

OPM has to review the comments before issuing a final rule, but there's no deadline forcing it to move quickly. Will the volume of opposing comments have any impact on the outcome? OPM's recent track record suggests it won't.

The Schedule Policy/Career final rule (<https://www.fedsmith.com/2026/02/05/schedule-f-50000-jobs-may-lose-appeal-rights/>) drew more than 40,000 comments, with about 94% opposed, and OPM finalized it

anyway in February 2026. More recently, [a performance ratings overhaul](https://www.fedsmith.com/2026/07/07/new-opm-rule-changes-how-your-performance-rating-gets-decided/) (<https://www.fedsmith.com/2026/07/07/new-opm-rule-changes-how-your-performance-rating-gets-decided/>) drew 626 comments with many objecting to the changes, and was similarly finalized without significant modification. Public comments are a required step in the rulemaking process, but they are not a veto. This administration has shown little inclination to let comment volume alter its regulatory agenda.

The proposed NDA remains in draft form. Federal employees won't face any requirement to sign until OPM publishes a final rule, and that process will include another round of public notice before anything takes effect.

Tags:

NARFE

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SEE ALSO

- [How OPM's Proposed Non-Disclosure Agreements Could Impact Federal Employee Rights, Whistleblower Protections and Collective Bargaining Rights](#)
- [Scott Kupor's Defense of NDAs for Federal Employees—and What Is Missing](#)
- [OPM Proposes Standardized Nondisclosure Agreements \(NDA's\) to Stem Unauthorized Leaks](#)
- [New OPM Rule Changes How Your Performance Rating Gets Decided](#)

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