

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<https://oversight.house.gov>

May 13, 2025

The Honorable Doug A. Collins
Secretary
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Collins:

I write with concern regarding reports that employees with the Department of Veterans Affairs (VA) tasked by the Trump Administration with slashing its headcount by approximately 80,000 employees have been required to sign gag orders that may be unlawful. Federal whistleblowers save lives, save taxpayer money, and bravely speak truth to power in cases of wrongdoing, mismanagement, or other abuses of power by the government. To ensure that the Trump Administration is not unlawfully prohibiting or intimidating current or former employees from communicating any such abuses to Congress, I request documents and information related to these reports.

On April 24, 2025, *Government Executive* reported that former VA staff were asked to sign agreements pledging not to disclose information on employee communications, and this agreement is likely to “extend beyond their termination.” The reporting stated that “[s]enior leaders throughout VA appear to be taking their NDAs seriously,” including the executive director of the VA’s Caregiver Support Program.¹

These reports raise numerous questions about potential efforts by this Administration to undercut whistleblower protections. The Whistleblower Protection Enhancement Act requires gag orders for federal employees to include a mandatory statement that employee communications with Congress and Inspectors General are protected. Congress passed this bipartisan legislation to prohibit agencies from implementing or enforcing “any nondisclosure policy, form, or agreement” that does not include the following statement:

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of

¹ *VA Forces Staff in Workforce Reduction Discussions to Sign Non-Disclosure Agreements*, Government Executive (Apr. 24, 2025) (online at www.govexec.com/workforce/2025/04/va-forces-staff-workforce-reduction-discussions-sign-non-disclosure-agreements/404808/).

any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.²

The Office of Special Counsel has emphasized that all federal nondisclosure agreements or policies must explicitly state that employees retain their constitutional and statutory whistleblower rights and that agencies cannot use NDAs or other means to restrict or chill such protected communications.³

The imposition of confidentiality agreements could chill employees from disclosing violations of waste, fraud, and abuse to Congress. Title 5 of U.S. Code, Section 7211, protects the rights of federal employees to communicate with Congress. The agreements may also be inconsistent with the First Amendment to the Constitution and in violation of other federal laws, including Section 713 of the Further Consolidated Appropriations Act of 2024, which states that:

No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee [...].⁴

For more than a century, Congress has safeguarded and championed the ability of federal employees to report waste, fraud, and abuse within the Executive Branch directly to Congress and other federal watchdogs. It is imperative that these courageous truth-tellers are able to expose misconduct without fear of retaliation or reprisal.

For these reasons, I request that you produce the following documents and information by May 26, 2025:

1. All documents and communications since January 20, 2025, referring or related to any non-disclosure or confidentiality agreement;

² Merit Systems Protection Board, *Prohibited Personnel Practice 13: Nondisclosure Forms, Policies & Agreements* (online at www.mspb.gov/ppp/13ppp.htm) (accessed Apr. 25, 2025).

³ Office of Special Counsel, *OSC Strongly Enforces the Prohibition Against Employee Gag Orders That Chill Whistleblowing* (Apr. 3, 2024) (online at <https://osc.gov/News/Pages/24-11-Prohibition-Gag-Orders-Whistleblowing.aspx>).

⁴ Pub. L. No. 118-47 (2024).

2. All documents and communications since January 20, 2025, including any non-disclosure or confidentiality agreements, that purport to restrict any current or former federal employee's unauthorized disclosure of confidential or nonpublic information;
3. All documents and communications since January 20, 2025, including any non-disclosure or confidentiality agreements, that could subject any current or former federal employee to monetary damages or liability for disclosure of information;
4. All documents and communications since January 20, 2025, including any non-disclosure or confidentiality agreements, forms, policies, instructions, or agreements, that purport to limit the ability of current or former federal employees to communicate with Congress, inspectors general, or the Office of Special Counsel, whether explicitly or as part of a general restriction on communications;
5. All documents and communications, including forms, policies, instructions, or agreements provided to any current or former federal employees or otherwise implemented since January 20, 2025, that reference communications with Congress, inspectors general, or the Office of Special Counsel, including those with either non-disclosure or non-disparagement provisions, and including all modifications, rescissions, or other changes; and
6. All documents and communications indicating any current or former employee that has signed a non-disclosure or confidentiality agreement since January 20, 2025.

In 2017, then-Ranking Member Elijah E. Cummings urged President Trump to issue a formal declaration affirming that all federal employees maintain their right to communicate with Congress and inspectors general, and that whistleblowers will be protected from silencing or retaliation when making lawful or protected disclosures.⁵ While President Trump failed to do so in his first Administration, I urge you to do right by our nation's veterans and issue an official statement to make clear that you will stand up for federal whistleblower rights and honor this critical accountability measure to the American people.

⁵ Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, and Ranking Member Frank Pallone, Jr., Committee on Energy and Commerce, to Donald F. McGahn, II, White House Counsel (Jan. 26, 2017) (online at <https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/documents/2017-01-26.EEC%20and%20Pallone%20to%20White%20House%20Counsel%20re.%20Agency%20Directives%20to%20Silence%20Employees.pdf>).

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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

Sincerely,



Gerald E. Connolly
Ranking Member

cc: The Honorable James Comer, Chairman