



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS

August 21, 2014

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INSIDE MAIL

Honorable Charles E. Grassley
United States Senate
Washington, DC 20510

Dear Senator Grassley:

Thank you for your letter of July 31, 2014, regarding the U.S. Department of Education's (Department's) compliance with the requirements of the Whistleblower Protection Enhancement Act of 2012 (WPEA). I am pleased to respond on behalf of the Secretary that the Department is in full compliance with the "anti-gag" requirements of the WPEA.

The Department currently uses two standardized Non-Disclosure Agreements (NDAs): Standard Form 312 Revision 7-2013, and a template titled "Confidential Information Non-Disclosure Agreement," both of which are enclosed. Since our last letter, the Department has updated these NDAs to include the appropriate statutory language. Older versions of these NDAs are no longer in use. Additionally, we have issued notices as required by the WPEA to Department employees who have signed SF-312s, and also to employees who have signed any other non-disclosure policy, form, or agreement. These notices are enclosed for your reference.

The Department has also posted the statement required by the WPEA in several places on the Department's Web site, including on a dedicated page (<http://www2.ed.gov/about/offices/list/om/non-disclosure-agreement.html>), a link on the "Policies and Reports" landing page of the Office of Management's Web site (<http://www2.ed.gov/about/offices/list/om/reports.html>), and a link on the "General Notices" page (<http://www2.ed.gov/notices/index.html?src=ft>). The Department's Office of Inspector General has placed the language on its Web page as well.

Please note that the dedicated Web page appears as the first search result when one searches for "whistleblower," "Whistleblower Protection Enhancement Act," or "NDA" on the Department's Web site. This information is also posted on the Department's Intranet, a screenshot of which is enclosed.

If you have further questions or need any additional information related to the Department's regulatory process, please have your staff contact this office at (202) 401-0020.

Sincerely,

Lloyd Horwich
Acting Assistant Secretary
Office of Legislation and Congressional Affairs

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Enclosures