

DSS Employees:

The [Whistleblower Protection Enhancement Act of 2012 \(WPEA\)](#) was signed into law by President Obama on November 27, 2012. The law strengthens the protections for federal employees who disclose evidence of waste, fraud, or abuse. The WPEA also requires that any non-disclosure policy, form, or agreement (NDA) include the statement copied below, and provides that NDAs executed without the language may be enforced as long as agencies give employees notice of the statement. This communication serves as that notice to employees.

As a DSS employee, you may have been required to sign an NDA to access classified or other information. You should read this statement as if it were incorporated into any non-disclosure policy, form, or agreement you have signed.

***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 of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to the 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.***

Employees are reminded that reporting waste, fraud, or abuse involving classified programs must continue to be made consistent with established rules and procedures designed to protect classified information.

If there are any questions, please refer them to either the DSS Inspector General or the DSS General Counsel. Further guidance can be found in the memorandum, "[The Whistleblower Protection Enhancement Act of 2012 and Non-Disclosure Policies, Forms, and Agreements,](#)" from the Office of Special Counsel.