

**Notice to all former and current Treasury employees who have or have had access to classified information and signed an SF-312 / SF-4414 (a non-disclosure agreement):**

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 Treasury Department employee or former employee, you may have been required to sign an NDA to access classified or other information. You should read the following 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 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.**

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

**Controlling authorities:**

Whistleblower Protection Act of 1989, Pub. L. No. 101-12, as amended by Whistleblower Protection Enhancement Act of 2012, Pub. L. No. 112-199, *codified at 5 U.S.C. 2301 et seq.*

Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002, Pub. L. No. 107-174, *codified at 5 U.S.C. 2301 note*

The Inspector General Act of 1978, Pub. L. No. 95-452, as amended, *codified at 5 U.S.C. app. 3*

Section 7211 of Title 5, United States Code (governing disclosures to Congress)

Section 1034 of Title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military)

Intelligence Identities Protection Act of 1982, *codified at 50 U.S.C. 421 et seq.* (governing disclosures that could expose confidential Government agents)

The criminal statutes of Title 18 protecting against disclosures that may compromise national security, specifically, sections 641, 793, 794, 798 and 952

Section 4(b) of the Subversive Activities Act of 1950, *codified at 50 U.S.C. 783(b)*

Executive Order 13526, *Classified National Security Information*

Executive Order 12968, *Access to Classified Information*

Treasury Order 105-19, *Delegation of Original Classification Authority; Requirements for Downgrading and Declassification*

Treasury Order 114-01, *Treasury Office of Inspector General*

Treasury Order 115-01, *Office of the Treasury Inspector General for Tax Administration*

Treasury Directive 27-12, *Organization and Functions of the Office of Inspector General*

Treasury Directive 40-01, *Responsibilities of and to the Inspector General*

Treasury Directive 15-03, *Department of the Treasury Intelligence Information System Security Policy Manual*