

Whistleblower Protection Enhancement Act Anti-Gag Language
[Emphasis added]

SEC. 115. 5 USC 2302 NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) In General.--

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(1) Requirement.--Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the **Government shall contain 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 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 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) Agency websites.--**Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website,** accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) Enforceability.--

(A) In general.--**Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.**

(B) Nondisclosure policy, form, or agreement in effect before the effective date.--With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement--

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

