Congress of the United States

Washington, DC 20515

April 2, 2025

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

Dear Secretary Collins,

We are writing to urge you to request a waiver for the entire Department of Veterans Affairs (VA) from President Trump's March 27, 2025, executive order (EO) titled "Exclusions from Federal Labor-Management Relations Programs," which would otherwise eliminate labor rights for all of the dedicated public servants at VA. This EO allows you to request an exemption for any groups within the Department that should be allowed to retain their union representation – it is imperative that you do so before more harm is done to veterans and the employees who deliver their high-quality care and benefits at VA. The right to join a labor union and the right to collectively bargain are bedrock American principles, principles our veterans fought for, and we stand with the hardworking civil servants who are the backbone of the VA. We are deeply opposed to this effort to outlaw unions and unilaterally strike down collective bargaining agreements (CBAs).

Seventy-nine percent of VA employees, many of whom are veterans themselves, are represented by organized labor unions, and every one of them is key to VA's ability to deliver on its sacred mission. Under this directive, up to 425,000 veterans across the government have been stripped of their union bargaining rights and protections. When combined with your plans to fire an additional 80,000 members of the VA workforce, this new assault would decimate the federal workforce and exacerbate the crisis you have created at VA.

Without its unionized workers, VA would not have been able to provide historic levels of care and benefits when implementing the *Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act*, or reach an all-time high veteran trust score of 80.4% in 2024. VA and Congress also benefitted from protections in CBAs and bargaining unit employees in the investigations into the Phoenix wait times scandal.

This EO also runs contrary to your purported goals through the Department of Government Efficiency (DOGE) to reduce fraud, waste, and abuse. The destruction of workforce protections at VA discourages employees from speaking up and pushes key information on waste, fraud, and abuse into the shadows. In fact, the order specifically calls out dedicated VA employees and the unions representing them for their pushback on this Administration's shameful and illegal attacks on federal employees and VA. By eliminating union protections for whistleblowers who are at risk of retaliation after reporting waste, fraud, and abuse, you will empower bad actors and wrongdoing by discouraging employees from speaking up. This EO cloaks itself in the false cover of "national security." In fact, this EO will make it harder for VA to accomplish its mission, thereby deteriorating the pact our country makes with the men and women who raise their hands to serve in the military. Unions have long existed in national security agencies and at VA, and Congress has consistently found that unions and national security are not incompatible. They strengthen our national security by providing stability and a well-trained, professional workforce.

Ironically, the order also subjects VA to the risk of higher costs to taxpayers. This EO specifically encourages the Department to resume use of the provisions in the 2017 VA accountability law, which continue to cost taxpayers millions in legal costs. Unions have only been helpful during this costly, drawn-out legal process, as negotiations with unions over poor implementation and execution of the 2017 VA accountability law during President Trump's first term resulted in nearly \$1 billion in savings for VA and taxpayers. This executive order further subjects VA to additional lawsuits and costs as it terminates any ongoing grievance processes aimed at keeping VA out of court. This diverts resources and distracts employees from delivering care and benefits to veterans and their families. Labor organizing and collective bargaining expedites conflict resolution and reduces associated legal costs, while improving employee morale. This leads to a more accountable, productive, and dedicated workforce.

We expect this EO will immediately become subject to legal action due to its likely violation of the Federal Service Labor-Management Relations Statute (FSLMRS). Under FSLMRS, you must demonstrate that the agency has as a "primary function intelligence, counterintelligence, investigative, or national security work" in order to exempt them from CBAs. The assertion that thousands of VA nurses, crisis line coordinators, or employees processing veteran benefits fall into this exempted category is clearly false. Consequently, this executive order runs counter to the promotion of our national security.

Mr. Secretary, given all the reasons why such an order will be detrimental to VA's ability to deliver for our nation's veterans, we can only conclude that this directive is primarily retaliatory in nature. This Administration's goal seems aimed at silencing dissent, paving the way for mass firings, discouraging whistleblowers, and retaliating against unions that have stepped up to defend employees' rights in the face of DOGE attacks. As such, we urge you to act quickly and decisively to defend the VA workforce from this EO by requesting a waiver for all Department employees.

Sincerely,

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Mark Takano Ranking Member

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