



NATIONAL VETERANS AFFAIRS COUNCIL

American Federation of Government Employees

Affiliated with the AFL-CIO

Alma L. Lee - President

April 2, 2025

The Honorable Douglas A. Collins
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 2420

RE: Exclusions from Federal Labor-Management Relations Programs

Dear Secretary Collins:

On behalf of our more than 310,000 members at the U.S. Department of Veterans Affairs ("VA"), the National VA Council of the American Federation of Government Employees urges you to use the authority delegated to you by the President to issue an order certifying that the provisions of the Federal Service Labor-Management Relations Statute can be applied to VA employees consistent with national security requirements and considerations.

Under 5 U.S.C. §7103(b)(1), the President may issue an order excluding any agency or subdivision thereof from coverage under the Federal Service Labor Management Relations Statute (FSLMRS) if the agency or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and if an agency's or its subdivisions' coverage under FSLMRS is inconsistent with national security requirements and considerations.

On March 27, 2025, President Donald J. Trump issued an Executive Order, *Exclusions from Federal Labor-Management Relations Programs* ("Order"). The Order identified executive agencies and subdivisions thereof that the President "*determined to have as a primary function intelligence, counterintelligence, investigative, or national security work.*" Order, Sec. 1-2. The Order delegates authority under 5 U.S.C. §7103(b)(1) to the Secretaries of Defense and Veterans Affairs to "*issue orders suspending the application of section 1-402 or 1-404 of Executive Order 12171, as amended, to any subdivisions of the departments they supervise, thereby bringing such subdivisions under the coverage of the Federal Service Labor-Management Relations Statute.*" Order, Sec. 4(a).

President Trump's justification for inclusion of VA in its Executive Order cites the VA's "Fourth Mission" as the "backstop healthcare provider for wounded troops in wartime" and "during national emergencies," such as COVID-19.¹ VA's Fourth Mission is to improve the Nation's preparedness for response to war, terrorism, national emergencies, and natural disasters by developing plans and taking actions to ensure continued service to Veterans, as well as to support national, state, and local emergency management, public health, safety, and homeland security efforts.²

¹ See Fact Sheet: President Donald J. Trump Exempts Agencies with National Security Missions from Federal Collective Bargaining Requirements, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-exempts-agencies-with-national-security-missions-from-federal-collective-bargaining-requirements/> (last accessed March 31, 2025).

² See About the Department of Veterans Affairs: The Fourth Mission, <https://department.va.gov/about/> (last accessed March 31, 2025). See also 38 U.S.C. §1785; 38 U.S.C. §8111A; 38 U.S.C. §1784.

The U.S. is neither at war nor in a state of public emergency, so the factors that would trigger presidential exclusion under 5 U.S.C. §7103(b)(1) are not present. The VA's Fourth mission operations are managed under the office of the Veterans Health Administration Office of Emergency Management (OEM). As of May 9, 2022, OEM has no active assignments in support of VA's Fourth Mission.³

Further, during the COVID-19 public health emergency, OEM maintained its collective bargaining rights, an indication that the VA can fulfill Fourth Mission duties in ways that are consistent with national security requirements and consideration.

For these reasons, no later than April 11, 2025, the AFGE National Veterans Affairs Council urges you to exercise the authority delegated to you by the President to issue an order certifying that the Federal Service-Labor Management Relations Statute can be applied to VA employees in a manner consistent with national security requirements and considerations.

Thank you for your attention to this matter.

Sincerely,

AFGE NVAC Executive Council


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³ See *VA Fourth Mission Summary*, <https://www.va.gov/health/coronavirus/statesupport.asp> (last accessed March 31, 2025).