



Dr. Everett B. Kelley
National Secretary-Treasurer

J. David Cox, Sr.
National President

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NVP for Women & Fair Practices

February 14, 2020

Hon. Adam Smith, Chair
Armed Services Committee
U.S. House of Representatives
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

On behalf of the American Federation of Government Employees, AFL-CIO, (AFGE) which represents more than 700,000 federal and District of Columbia government employees who serve the American people in 70 different agencies across the nation and around the world, including approximately 300,000 in the Department of Defense (DoD), we write to make you aware of our objections to the President's January 29, 2020 Memorandum entitled "Delegation of Certain Authority Under the Federal Service Labor-Management Relations Statute." This Presidential Memorandum to the Secretary of Defense authorizes the exclusion of "Department of Defense agencies or subdivisions thereof from Federal Service Labor-Management Relations Statute coverage."

The Memorandum authorizes the Secretary of Defense to eliminate collective bargaining in DoD and to delegate such authority to any Senate-confirmed official of the Department of Defense. This would include both civilian and military officers. The substance of this Memorandum is unprecedented and is clearly meant not as an effort to protect national security, but as an instruction to carry out the administration's ongoing effort to undermine federal sector collective bargaining.

The DoD civilian workforce proudly and efficiently supports our military across the United States and abroad. DoD has bargained with its unionized workforces under arrangements established first by Executive Order under President Kennedy in 1962, reaffirmed by Executive Order under President Nixon in 1969, and finally established in statute in the 1978 Civil Service Reform Act. In no case has there been collective bargaining over pay or benefits and in no instance have federal employees had the right to strike; likewise, membership in unions has always been voluntary. In the 57 years that the Department has engaged in collective bargaining with its represented civilian workforce, our nation has endured many international conflicts and national emergencies. In all cases, the civilian workforce has proven to be agile, willing, and able to adapt quickly to support the warfighter and meet mission needs.

There is no question that the presence of a unionized civilian workforce within DoD has benefited our national security. A few of the many and myriad examples of this are as follows: Unionized civilian law enforcement officers routinely place their lives at risk to protect members of the military and their families and have played an integral role in foiling terrorist attacks such as that which occurred at Fort Hood in 2014. The unionized workforce at Rock Island Arsenal



during Operation Iraqi Freedom worked with management to provide the Combatant Commanders needed armor kits for vehicles which were completed and on a plane within one week from the initial request. Unionized nurses at DoD hospitals ensure conscientious and high-quality care to military members and their families every day, around the clock.

Congress as recently as the FY 2016 and FY 2017 National Defense Authorization Acts specifically recognized the importance of continuing collective bargaining agreements during any Departmental reorganization of the cyber-security mission in Section 1599f of title 10. There are few missions more important to national security than the cyber-security mission. That Congress explicitly recognized the importance of continuing existing collective bargaining agreements for this mission should apply equally to other missions within the Department.

AFGE is proud of the many ways that our members improve mission performance in the Department. We do so when we identify safety and health hazards in the workplace and when we make sure that the Department's contractors do not overcharge and meet all of their requirements. The truth is that our national security is bolstered when the federal government has the ability to recruit and retain a skilled workforce that is afforded appropriate workplace protections.

The authority granted to the President and the Secretary of Defense to exclude DoD agencies from the parts of the Federal Service Labor-Management Relations Statute pertaining to collective bargaining was provided by Congress for genuine emergencies. No rationale related to any emergency has been offered by the administration as having motivated the issuance of this Presidential Memorandum. Indeed, the invocation of national security in the Memorandum strikes us as a mere pretext.

AFGE strongly urges you to include language in the House FY 2021 National Defense Authorization Act blocking this effort to eliminate collective bargaining in the Department of Defense. For additional information or questions, please contact John Anderson at John.Anderson@afge.org or Alethea Predeoux at alethea.predeoux@afge.org.

Sincerely,



Everett B. Kelley
National Secretary-Treasurer