



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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May 15, 2024

The Honorable Jen Kiggins
Chair, Subcommittee on Oversight
& Investigations
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Mrvan
Ranking Member, Subcommittee on
Oversight & Investigations
Committee on Veterans Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Kiggins & Ranking Member Mrvan:

I am writing on behalf of the Federal Law Enforcement Officers Association (FLEOA) to provide our views in advance of Thursday's Subcommittee hearing on "Ensuring VA's Security: How Can Congress Best Support VA's Law Enforcement?". FLEOA is the nation's largest non-partisan, nonprofit professional association representing more than 32,000 federal law enforcement officers and agents across 65 federal agencies, including those from the VA Police and the Department's Office of Inspector General.

One of the primary means by which Congress can best support VA's law enforcement officers is to advance legislation that helps to recruit and retain the skilled workforce necessary to carry out the agency's critical mission. These brave men and women are responsible for protecting and serving a very important constituency in this country: Our nation's veterans who have faithfully placed themselves in harm's way and the medical personnel who provide their care. Like their counterparts at other federal agencies, VA Police Officers also place themselves in harm's way every day to protect federal facilities, personnel, and the public. Yet despite taking the same risks and showing the same dedication to duty, VA Police Officers do not qualify as "law enforcement officers" under either the Civil Service Retirement System or the Federal Employees Retirement System. That is due to an anachronistic statutory definition and years of erroneous interpretations by the Office of Personnel Management (OPM) that refuses to recognize the hazards associated with modern day police work or the realities of policing in this post-9/11 environment. This has led to a disparity among the federal law enforcement workforce with respect to pay and retirement benefits that is unfair and untenable. In our view, a "law enforcement officer" in the federal service is a law enforcement officer no matter which agency they work for. And the sooner Congress and OPM recognize this fact for the VA Police, the sooner the agency will be able to compete with state and local agencies and improve its recruitment and retention efforts.

In addition, FLEOA also recommends Congress consider legislation removing the VA Police from the Chain of Command of local Healthcare Center or Medical Center Directors. We have heard from our members that the current situation creates an appearance of impropriety, and directors are provided access to law enforcement sensitive information they truly should not have a need to know. By policy, a director can also order a United States District Court Violation Notice (USDCVN) dismissed. This not only interferes with lawful enforcement but again shows the potential for interference in day-to-day police operations and individual officer discretion.

And finally, FLEOA recommends implementation of a policy that allows all VA Police Officers to take their duty weapons home. Most other federal law enforcement agencies that had similarly inane policies quickly abandoned them after the 9/11 attacks, and specifically the attack on the Pentagon, because of the need to ensure that officers were fully prepared to respond to critical incidents at a moment's notice, whether on duty or off. At some VA locations today, the locker

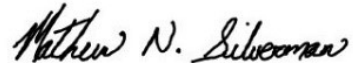
Representing Members From:

AGRICULTURE
OIG
Forest Service
CENTRAL INTELLIGENCE AGENCY
COMMERCE
Export Enforcement
OIG
NOAA Fisheries Law Enforcement
DEFENSE
Air Force - OSI
Army - CID
Defense Criminal Investigative Service
Naval Criminal Investigative Service
OIG
Police
EDUCATION - OIG
ENERGY
National Nuclear Security Administration
OIG
ENVIRONMENTAL PROTECTION AGENCY
CID
OIG
FEDERAL DEPOSIT INSURANCE CORPORATION
OIG
FEDERAL HOUSING FINANCE AGENCY - OIG
FEDERAL RESERVE SYSTEM
Federal Reserve Board
Federal Reserve Police
FEDERAL LAW ENFORCEMENT TRAINING CENTER
GENERAL SERVICES ADMINISTRATION - OIG
HEALTH & HUMAN SERVICES
Food & Drug Administration
OIG
HOMELAND SECURITY
Border Patrol
Coast Guard Investigative Service
Immigration & Customs Enforcement
Customs & Border Protection
Federal Air Marshal Service
Federal Protective Service
U.S. Secret Service
Transportation Security Administration
OIG
HOUSING & URBAN DEVELOPMENT - OIG
INTERIOR
Bureau of Indian Affairs
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Fish & Wildlife Service
National Park Service
OIG
U.S. Park Police
JUSTICE
Alcohol, Tobacco, Firearms & Explosives
Bureau of Prisons
Drug Enforcement Administration
Federal Bureau of Investigation
U.S. Marshals Service
OIG
U.S. Attorney's Office-CI
LABOR - OIG
NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION - OIG
NUCLEAR REGULATORY COMMISSION - OIG
NATIONAL SECURITY AGENCY - Police
OFFICE OF PERSONNEL MANAGEMENT - OIG
PENTAGON FORCE PROTECTION AGENCY
POSTAL SERVICE
Postal Inspection
Postal OIG
Postal Police
RAILROAD RETIREMENT BOARD
SOCIAL SECURITY ADMINISTRATION - OIG
SMALL BUSINESS ADMINISTRATION - OIG
SMITHSONIAN INSTITUTE - OIG
STATE DEPARTMENT
Bureau of Diplomatic Security
OIG
TRANSPORTATION - OIG
TREASURY
FINCEN & OIG
Internal Revenue Service - CI
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TIGTA
U.S. CAPITOL POLICE
U.S. PROBATION & PRETRIAL SERVICES
U.S. SUPREME COURT POLICE
VETERANS AFFAIRS
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rooms are geographically separated from the armories, and we have Police Officers who are in full uniform but unarmed as they move through their duty locations. Further, the opportunity to walk into an active threat situation is also a concern. Given the rise in recent years in targeted attacks, ambushes, and assaults of police officers regardless of the uniform or badge they wear, not providing VA Police Officers with take home weapons creates serious officer safety concerns.

Thank you in advance for your consideration of our views. Please do not hesitate to contact us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "Mathew N. Silverman". The signature is written in a cursive style with a prominent initial 'M'.

Mathew N. Silverman
National President