

Congress of the United States

Washington, DC 20515

September 4, 2025

The Honorable Douglas A. Collins
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Collins:

Thank you for your April 24, 2025, letter regarding the Department of Veterans Affairs' (VA) National Dialysis Services Contract (NDSC).¹ We are heartened by your commitment to maintain the uninterrupted delivery of dialysis care, including for our constituents, and to work with stakeholders to ensure that veterans receive safe, uninterrupted, high-quality care. Your commitment is critical to the survival of those veterans who rely on dialysis services provided through NDSC, and it reflects our shared priority of protecting them from the serious health risks that arise when access to these treatments is delayed or disrupted.

As detailed in the February comment submitted by Rep. Lofgren, California has witnessed a series of escalating labor protests and strikes over the last three years at several NDSC contractors, directly in response to these contractors' hostility to union organizing, their various unfair labor practices, and generally poor working conditions, according to the workers. We believe that these protests and strikes underscore the need for policies to prevent such disruption before it occurs. As you no doubt know, veterans with End-Stage Renal Disease cannot safely miss treatments; even short interruptions in care can result in preventable suffering, hospitalization, or death.² We are concerned that NDSC contractors are exacerbating these risks by refusing to address their employees' legitimate concerns.

Yet, there are no provisions in the Request for Proposals to address the issue, despite this clear and present problem. While the solicitation contains some new oversight provisions, contractors are only required to notify the VA of a strike; there is no contractual protection that would prevent labor disruption before it happens.³ Contractors may temporarily transfer patients to another facility, but contract documents do not limit how long these temporary transfers may extend or how close the temporary facility must be.⁴ Moreover, service disruptions are not factored into the contractors' performance evaluation.⁵

We look forward to engaging on how such disruption could best be prevented before it occurs. We wish to point out that since your letter was sent, the White House Office of Management and Budget issued a memo in June stating that the Executive Order (E.O.) referenced in your letter—E.O. 14063 regarding Project Labor Agreements—remains in effect with new guidance providing further information.⁶

¹ Responding to a letter from Rep. Zoe Lofgren to Secretary Douglas Collins, February 6, 2025.

² Connor, N., Dougherty, M., Harris, P., and Casarett, D. (2013) "Survival after Dialysis Discontinuation and Hospice Enrollment for ESRD." *The Clinical Journal of the American Society of Nephrology*, 8(12) p.2117-2122.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC3848402/>

³ U.S. Department of Veterans Affairs, 2025. "Solicitation/Contract/Order for Commercial Products and Commercial Services." <https://sam.gov/api/prod/opps/v3/opportunities/resources/files/88ae5ec8bb8a43349de1fffb6a51dfd4/download?&token=>. at 25.

⁴ Id. at 36.

⁵ U.S. Department of Veterans Affairs, 2025. "Quality Assurance Surveillance Plan (QASP)."

<https://sam.gov/api/prod/opps/v3/opportunities/resources/files/3d83945f66c740df992c393dc3658bf2/download?&token=>.

Finally, we are extremely troubled to learn from your letter that three of the largest dialysis providers threatened not to participate in future dialysis services if the VA included a measure to address service disruptions caused by labor disputes. We respectfully request a meeting between our staff and yours so that we can get a fuller understanding of the responses made by companies receiving lucrative federal contracts and whether they explicitly threatened to leave veterans without care in order to avoid compliance with responsible procurement policies.

We write with some urgency as the VA recently invited companies to submit proposals in response to a new NDSC solicitation and is scheduled to award new contracts by the end of this year. We believe the Department should continue evaluating all available policy and contractual tools to ensure the uninterrupted delivery of dialysis care at all participating NDSC facilities.

Your acknowledgement of the importance of these issues is an encouraging step, and we look forward to working closely with you and your team to translate this shared commitment into lasting protections for the veterans we serve.

Sincerely,



Zoe Lofgren
Member of Congress



Adam B. Schiff
United States Senator

⁶ Office of Management and Budget, "Use of Project Labor Agreements on Federal Construction Projects - Amendments to OMB Memorandum M-24-06," Memorandum to the Heads of Executive Departments and Agencies, M-25-29, June 12, 2025.