



In This Week's Legislative Watch (also [available on our website](#)):

[AUSN LOOKS AT OPEN BURN PIT REPORT](#)
[SENATE VETERANS AFFAIRS COMMITTEE HEARING ON SECRETARY NOMINATION](#)
[AUSN ANALYZES SENATE APPROPRIATIONS COMMITTEE MARKUP OF FY15 DEFENSE BILL](#)
[HOUSE VETERANS AFFAIRS COMMITTEE HEARING ON VA ACTING SECRETARY PERSPECTIVES](#)
[AUSN ON THE HILL](#)
[PRIORITY BILLS INTRODUCED THIS WEEK](#)
[NEW LEGISLATIVE ALERTS](#)
[NEXT WEEK OUTLOOK](#)
[CALL FOR AUSN NATIONAL LEGISLATIVE RESOLUTIONS FOR 2014 MEETING](#)

AUSN LOOKS AT OPEN BURN PIT REPORT

Last week, AUSN received an audit report from the Special Inspector General for Afghanistan Reconstruction (SIGAR) detailing the impact that open-burn pits have had upon servicemembers deployed, particularly to the Shindand Air Base in Herat province in western Afghanistan, where some 4,000 U.S. and Afghan military personnel and contractors are housed. Burning of trash in such pits is contrary to Central Command regulations, the audit said. The Fiscal Year 2010 (FY10) National Defense Authorization Act (NDAA), enacted nearly five years ago, outlawed the practice unless no alternatives are available. The law mandated that, if certain kinds of trash, such as plastics and batteries, are burned, Congress must be notified. But neither U.S. Central Command nor U.S. Forces Afghanistan told lawmakers about the open burning, according to the audit.

FURTHER READING:

SIGAR conducted a review of the contract to construct solid waste management facilities, including two incinerators, at Shindand Airbase, which houses approximately 4,000 U.S. and Afghan military personnel and contractors. SIGAR found that the two incinerators were constructed in accordance with contract specifications and were transferred to the base in operable conditions in June 2012. A U.S. Forces-Afghanistan (USFOR-A) report from December 2012 found these incinerators were operating at a highly reduced capacity due to mechanical problems, with only 35 percent of U.S.- generated solid waste being incinerated and the rest burned in an Afghan open-air burn pit. These incinerators were repaired under warranty in January 2013, however, U.S.-generated waste continued to be sent to the burn-pit after repairs. The SIGAR review states that USFOR-A did not provide the justification for the continued use of the burn pits, and furthermore that in May 2013 a USFOR-A evaluation found that the incinerators were in operable conditions, but the Afghans did not use them because the burn pits were cheaper to operate. Despite U.S. Central Command (CENTCOM) requirements to use alternatives to burn pits, USFOR-A sent waste until June 2013 and the Afghan military continued to use pits to dispose of waste until October 2013.

SIGAR recommends in the audit report that the Commander, CENTCOM, direct the appropriate CENTCOM units to conduct inquiries and report back to SIGAR within 90 days in order to determine why the military continued to use open-air pits for 5 months after the incinerators became fully operational and to determine why Congress was not notified of the use of open-air burn pits.

For more details, see [AUSN's Capitol Hill Blog on Open Burn Pit Report](#).

SENATE VETERANS AFFAIRS COMMITTEE HEARING ON SECRETARY NOMINATION

On 22 July 2014, the Senate Veterans' Affairs Committee (SVAC), held a hearing to consider the nomination of Mr. Robert A. McDonald for Secretary of the Department of Veterans Affairs (VA). The witness present at the hearing included Mr. Robert A. McDonald, the Presidential nominee for VA Secretary. The hearing was held by SVAC Chairman, Senator Bernie Sanders (I-VT), and SVAC Ranking Member, Senator Richard Burr (R-NC). The hearing began with opening remarks made by the Chairman, Ranking Member and SVAC Members. Chairman Sanders began by thanking Mr. McDonald for rising up to face the challenges within the department. He expressed many of the problems within the VA, such as Veterans with appointments more than 30 days from when they were scheduled and the thousands of Veterans returning from war with Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD). He continued to state that Mr. McDonald brought qualities needed to lead the VA such as familiarity with the military, passion for care of Veterans, and accountability. Ranking Member Burr then spoke on how the VA was an agency in crisis and that it was critical to embrace recent findings and usher in a new VA culture in order to make changes to the current broken system. He went on to express that a new VA Secretary should ensure the VA refocuses on care and that it no longer ignores warning signs within the department. Other members of the committee echoed these sentiments such as Senator Patty Murray (D-WA) calling for the rebuilding of the VA to meet current and future needs, whereby Senator Jerry Moran (R-KS) stated that the Senate does not function if it cannot come together for Veterans, as he called for legislative action to happen before the August recess.

FURTHER READING (*Full AUSN Transcripts & After Action Reports (AARs) available upon request*):

Next, Mr. McDonald testified that he was fully committed to the VA and to its healthcare mission, stating that he wanted to create an organization that lived by its core values and that worked to improve the lives of others. He described the important management and leadership skills necessary to modernize the VA, including his plan of action for the first 90 days, if appointed. He called for a leadership overhaul and a new strategic plan to reorganize and improve communication between all levels of the department and the Veterans. Following these opening remarks Chairman Sanders deferred to the Committee for rounds of questioning. The first question came from Chairman Sanders who asked why, in the midst of such problems, Mr. McDonald wanted the job. Mr. McDonald answered that he wanted to make a difference, and that he believed he was prepared for the task based on his experience with the company Procter and Gamble. He stated that he would help obtain more physicians to meet the need of the VA by presenting transparent projections of need and restoring the reputation of the VA in the public eye. Senator Murray questioned how Mr. McDonald would build trust and transparency within the VA to which Mr. McDonald stated that he would meet with employees from all levels and discuss their roles and the strategic plan of the department. He added that he wanted to get out in the field to find information firsthand, and stated that lies would not be tolerated within the VA.

Senator Jon Tester (D-MT) questioned what the top priority was for Mr. McDonald and what he planned to do to regain the trust of Veterans. Mr. McDonald expressed that improving leadership was a key goal, and stated that he wanted to get all members of leadership together in order to establish and share the mission and values of the VA. He also claimed that he wanted to travel across the country as a Veteran himself and meet with Veteran Service Organizations (VSOs) and Veterans to hear their concerns. Senator Sherrod Brown (D-OH) emphasized the importance of continuing to work in critical Veteran areas such as Veteran homelessness and women's healthcare and also brought up the issue of Significant Event Tracking between the VA and the Department of Defense (DOD). He questioned what could be done to keep better track of minor grievances between the two departments. Mr. McDonald responded that he would continue working on these important areas and that he wanted to establish a better working relationship between the VA and DOD to share details about minor injuries sustained in the field that may impact Veterans in the future. He stated that it was important for DOD and the VA to work together seamlessly and that certain resources needed to be shared between the two departments.

AUSN ANALYZES SENATE APPROPRIATIONS COMMITTEE MARKUP OF FY15 DEFENSE BILL

*On 17 July 2014, the Senate Appropriations Committee (SAC) approved by voice vote with only a few amendments proposed, the Defense Appropriations Bill for Fiscal Year 2015 (FY15). In total, the SAC markup of the FY15 Defense Appropriations bill, currently in the form of H.R. 4870, provides **\$549.3 billion**, of which **\$489.6 billion** is for the base budget, a decrease of **\$22.7 billion** below the Fiscal Year 2014 (FY14) enacted level and **\$1.4 billion** below the FY15 President's Budget (PB) request. It also includes **\$59.7 billion** for Overseas Contingency Operations (OCO) for Defense activities related to the Global War on Terror. Previously a **\$79.4 billion** placeholder was being used until the*

*Administration provided additional details on 26 June 2014. Appropriators appear to have trimmed around the edges, essentially green lighting spending on programs such as the F-35 Joint Strike Fighter (JSF), matching the President's budget request. This includes **\$80 billion** to procure 3 Littoral Combat Ships, an increase of 1 from the House's FY15 Defense Appropriations bill, as well as **\$848.7 million** for the Refueling and Complex Overhaul (RCOH) of the USS George Washington (CVN-73).*

FURTHER READING:

Within this funding, the bill includes an additional **\$1.9 billion** to fill readiness shortfalls, including **\$1 billion** for facility sustainment, a service impacted by sequestration cuts. Additionally, the bill provides an additional **\$25 million** for continuation and expansion of the Special Victims' Counsel Program to provide victims of sexual assault with legal assistance and support. The bill also restores **\$200 million** to maintain operations at commissaries and **\$3 million** for the Healthy Base Initiative for troops and families living on base. In addition, for Defense Health and Military Family Programs, there is appropriated **\$31.57 billion**, which is **\$704 million** below last year's level, and **\$424 million** below the FY15 PB request. In particular there is appropriated **\$244 million** for cancer research, **\$60 million** for Traumatic Brain Injury (TBI) and psychological health research and, **\$7.5 million** for epilepsy research.

In regards to Navy Procurement accounts, the SAC markup includes full funding for 34 F-35 Joint Strike Fighter (JSF) aircraft, **\$1.3 billion** for 12 E/A-18G "Growlers," and **\$2.1 billion** for 79 UH-60 "Blackhawk" as well as 29 MH-60S/R "Seahawk" and "Knighthawk" (respectively) helicopters. Finally, the SAC Markup contains **\$1 billion** for the National Guard and Reserve Equipment Account (NGREA), including Committee report language specifying for the Navy Reserve, **\$65 million** in funds to be used for, "Coastal Riverine Force Boats (i.e. MARK VI Patrol Boats) and Communication upgrades."

For more details, see [AUSN's Analysis of FY15 Defense Bill SAC Markup](#).

HOUSE VETERANS AFFAIRS COMMITTEE HEARING ON VA ACTING SECRETARY PERSPECTIVES

*On 24 July 2014, the House Veterans' Affairs Committee (HVAC) held a hearing titled "Restoring Trust: the View of the Acting Secretary and Veterans Community." The witnesses included the Honorable Sloan D. Gibson, Acting Secretary of the Department of Veterans Affairs (VA) who was accompanied by Mr. Danny Pummill, Principal Deputy Under Secretary for Benefits at the Veterans Benefit Administration (VBA), and Mr. Philip Matkovsky, Assistant Deputy Under Secretary for Health for Administrative Operations at the Veterans Health Administration (VHA). HVAC Chairman, Representative Jeff Miller (R- FL-01), called the meeting to order and gave brief opening remarks regarding the steps needed to take in order to get the VA back on track to meet goals, on behalf of Veterans. He stated that through many hearings, HVAC has been able to do a top to bottom review of the VA. The Chairman agreed that culture and relationship changes between Congress and VA are greatly needed. He stated that the department needs to earn back the trust of everyone through deliberate, truthful, and decisive action. Chairman Miller also discussed the President's 113 page funding request, which included a 3 page explanation of the **\$17.6 billion** in additional funding for the VA. He urged the Acting Secretary to provide further information and detail regarding the justification for funding. HVAC Ranking Member, Representative Michael Michaud (D-ME-02) then gave his opening remarks noting how the VA does have a good product, however, the business model for producing and delivering the product is fundamentally broken.*

FURTHER READING (Full AUSN Transcripts & After Action Reports (AARs) available upon request):

Opening remarks were then given by Acting Secretary Sloan Gibson. He began by stating that a consequence of all the failures within the VA is the lost in trust. The VA will have to earn trust back through 'transparency and deliberate action.' The Acting Secretary stated that he started with six main priorities: Getting Veterans off of the waitlists and into clinics, fixing scheduling issues, addressing cultural issues at the VA, establishing accountability for mismanagement, establishing regular disclosures of data and information, and quantifying the resources needed to provide quality care to veterans. The VA has now reached out to over 160,000 Veterans to get them off waitlists and into clinics. Additionally, the VA has made over 543,000 referrals for Veterans to receive care in the private sector in the last 2 months. Each referral on average had resulted in 7 visits to a clinician. VHA has added more clinic hours, aggressively recruited to fill vacancies in physicians, deployed mobile medical units, and is pursuing a commercial state-of-the-art scheduling system. The Acting Secretary also directed VA directors to do in person reviews of facilities that were not being reviewed by the Office of the Inspector General (OIG), and removed the 14 day scheduling goals to remove the incentive to manipulate wait time data. All performance awards for Fiscal Year 2014 (FY14) were suspended and whistleblowers will be further protected. Many changes have been made to upper management in order to bridge gaps

and shift to a positive culture. On resources, the Acting Secretary believes that the greatest continued risk to Veterans is the need for additional resources to support the increase in purchase care in local communities, and to not to materially remedy the historic shortfall in VA capacity. Such an outcome would leave the VA in a worse position. Acting Secretary Gibson stated that he has been working with the Office of Management and Budget (OMB) to develop a funding request proposal for FY14- Fiscal Year 2017 (FY17), totaling **\$17.6 billion**, which would be used to address VA shortfalls in clinical staff, space, information technology, and purchase care necessary to provide timely quality care.

Chairman Miller began the rounds of questioning by asking how many Veterans were on the electronic wait list (EWL) to date. Assistant Deputy Undersecretary Matkovsky stated that there were around 40,000 nationwide, which were down from 57,000 on 15 May 2014. The Chairman pressed the Acting Secretary regarding the **\$17.6 billion** funding request. Acting Secretary Gibson understood the Chairman's points about the necessity for further justification, and stated that he will provide the Congress with as much as possible. Ranking Member Michaud then further questioned the funding request whereby a discussion was had between the Ranking Member and the Acting Secretary, where he believed that historically, issues occurred within the department because they managed to the budget, rather than managing to what was required. The Acting Secretary argued that in the private sector you manage to requirements not budget, and that is where the corrosive gap was generated. Representative Phil Roe (R-TN-01) followed by questioning the Acting Secretary about the difficulty of firing and hiring within the department. The Acting Secretary agreed that freeing up the process would increase accountability and quality of staff members.

AUSN ON THE HILL

This week, in addition to monitoring hearings, AUSN was heavily engaged in discussions on and off Capitol Hill. First, AUSN was closely monitoring a 'business meeting' of the Senate Foreign Relations Committee (SFRC), not a traditional hearing, whereby Senator Robert Menendez (D-NJ), SFRC Chairman, issued the following statement after the Committee, in its meeting, passed the Convention on the Rights of Persons with Disabilities (CRPD) Treaty by a vote of 12 to 6, "The Disabilities Treaty is essential to improving the lives of over 1 billion people around the globe with disabilities, as well as the 58 million Americans with disabilities right here at home, including 5.5 million disabled American Veterans. This treaty should be ratified and I will continue to work with Democrats and Republicans to achieve this worthwhile and meaningful goal." In addition, AUSN met with staff of the Office of the Secretary of Defense (OSD) to discuss provisions of the Fiscal Year 2015 (FY15) National Defense Authorization Act (NDAA), particularly differences and insights between the House and Senate versions as the Senate is expected to consider its bill on the Senate floor sometime after the August recess. AUSN also participated in a Mental Healthcare panel led by another Veteran Service Organization (VSO) partner of The Military Coalition (TMC) as well as participated in a roundtable with House Democratic Leader, Representative Nancy Pelosi (D-CA-12) to discuss ongoing concerns regarding care for our nation's Veterans.

PRIORITY BILLS INTRODUCED THIS WEEK

S. 2639, Veterans Affairs Health Workforce Enhancement Act. Introduced by Senator Tammy Baldwin (D-WI), the bill would amend Title 38, United States Code, to increase the number of graduate medical education residency positions at medical facilities of the Department of Veterans Affairs (VA).

H.R. 5172, (*Official title yet to be released*). Introduced by Representative Bill Johnson (R-OH-06), the bill would direct the Secretary of Veterans Affairs to review the list of veterans designated as former prisoners of war.

H.R. 5157, (*Official title yet to be released*). Introduced by Representative Dina Titus (D-NV-01), the bill would amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to waive certain requirements relating to the approval of programs of education for purposes of the educational assistance programs of the Department of Veterans Affairs (VA).

H.R. 5131, Access to Care and Treatment Now for Veterans Act. Introduced by Representative Tulsi Gabbard (D-HI-02), the bill would direct the Secretary of Veterans Affairs to reimburse non-Department of Veterans Affairs (VA) medical providers for the provision of certain hospital care and medical services to Veterans.

In the advocacy section of the website, you can click on [Bills of Interest](#) to get daily revisions on Congressional action for all AUSN priority bills. We STRONGLY encourage you all to visit our [Advocacy](#) page, especially the [Capitol Hill Blog](#) which receives almost daily submissions when Congress is in session to see what AUSN is doing for you on Capitol Hill.

We also encourage you and your friends and family to visit the [AUSN FACEBOOK PAGE](#). If you have an account, please Login and “Like” us, which will allow you to see our [TWITTER](#) feeds and other updates from AUSN that shows us monitoring Capitol Hill on your behalf!

NEW LEGISLATIVE ALERTS

There was one new Legislative Alert sent this week based on hearings and interaction with Congressional staff, as well as traction on the issue. When these alerts are sent to your email, please click on the **TAKE ACTION** link that is at the top of the alert email to send a letter response to your Members of Congress. If you have not seen them, please go to the [Legislative Alerts](#) section on the AUSN webpage and/or check your e-mail for the following alerts which were titled:

Legislative Alert #113-47: URGE Congress to Pass Needed Veterans Healthcare and Benefits Legislation

NEXT WEEK OUTLOOK

Next week, both the House and Senate will be in session for the last week before the August recess. AUSN will be monitoring a House Armed Services Committee (HASC) hearing on the future of the Amphibious Assault fleet and a HASC- Seapower hearing on Logistics and Force Structure. In addition, AUSN will be meeting with the Navy’s new Chief of Legislative Affairs to discuss future collaborative efforts as well as a meeting with the Blue Water Navy Vietnam Veterans of America to discuss efforts regarding Agent Orange victims and finally, a meeting with the Defense Health Agency (DHA) to discuss how the agency is progressing and helping TRICARE beneficiaries. AUSN will also be keeping a close eye on developments with Veterans comprehensive benefits and healthcare legislation as well as the forthcoming confirmation of Mr. Robert McDonald to be the next Secretary of Veterans Affairs.

CALL FOR AUSN NATIONAL LEGISLATIVE RESOLUTIONS FOR 2014 ANNUAL MEETING

2014 National Legislative Resolutions will be considered at AUSN's Annual Business Meeting 19-20 September 2014 at the United States Navy Memorial in Washington, D.C. Resolutions must be timely, concise, and include sufficient background information. Resolutions must be submitted at least 30 days in advance of the 2014 Annual Business Meeting in order for proper staffing, review, and formatting as needed. Any member may propose a resolution which should address a legislative or policy issue related to the missions and goals of our organization. Resolutions are received, reviewed, and processed by the Resolutions Committee.

Proposed resolutions should be sent to the AUSN Headquarters, Resolutions Committee Chair, CDR Bill Manofsky, USN (Ret.). Submissions can be sent via e-mail to: Anthony.Wallis@ausn.org or by U.S. mail to: Attn: National VP of Government Relations and Resolutions Committee Chair, CDR Bill Manofsky, USN (Ret.); Association of the United States Navy; 1619 King Street; Alexandria, VA 22314.

To request a new resolution or amend an existing Resolution, see [last year’s 2013 Resolutions](#), please visit the [“How to Format Resolutions”](#) section of the website with a downloadable form to fill out and send as well. Current NEW Resolutions needed, for example, include the CH-53K “King Stallion,” the E-2D “Advanced Hawkeye,” and the MQ-8 “Triton.” Current amendments to an existing Resolution needed, for example, include the Military Pay Raise to match Employment Cost Index (ECI) - amendment bullet to Resolution 34, and Restoration of Cost-of-Living-Adjustment (COLA) calculations for retirees who joined the service prior to 2014 as a result of the Bipartisan Budget Act (BBA) of 2013- amendment bullet to Resolution 35.

QUESTIONS/COMMENTS/CONCERNS

Anthony A. Wallis, Legislative Director
Phone (o): 703-548-5800, (m): 703-517-9310
E-mail: Anthony.Wallis@ausn.org
Legislative Action Center: [Contact Congress](#)