

Profiles in negotiation: the Veterans Deal of 2014

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INTRODUCTION

If anything in America is sacred, it's veterans. Yet in the summer of 2014 they almost became casualties of America's deep persistent red-blue divide.

A veterans health care scandal that year had outraged the nation. Veterans across the country were waiting months on end for appointments, and the wait times were being hidden. Up to 40 veterans in Phoenix died while waiting. Hundreds never even got onto a list. And retaliation was the order of the day for those who tried to blow the whistle.

It speaks volumes about the stature and political punch of veterans that from the moment the long-gathering scandal broke into public view on April 9, it took Congress less than four months to produce a new law. That is a split-second by Capitol Hill standards.

Yet the happy ending came after two volatile rounds of negotiations—one featuring a pair of famously irascible senators, the other arguably the two oddest bedfellows in Congress. Improbably, the senator at the center of both of them was Bernie Sanders, the chairman of the Senate Veterans Affairs Committee, a self-proclaimed democratic socialist from the [liberal haven of Vermont](#).

Sanders grew up in Brooklyn, the son of a Polish immigrant father, and moved to Vermont in 1968 as part of what *The Almanac of American Politics* calls the “hippie migration.” Gruff, direct, sometimes sarcastic and given to “raised decibels” on the floor, as one observer put it, Sanders is a tough critic of Wall Street and an unapologetic advocate for a “Medicare-for-all” single-payer health system. The former Burlington mayor and House member was elected to the Senate in 2006—not as a Democrat but as an independent. He has identified himself as a socialist for decades.

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The first round of negotiations starred Sanders and Sen. John McCain, the feisty Arizona Republican and Navy veteran who spent more than five years as a Vietnam prisoner of war. The GOP presidential nominee in 2008, McCain can be witty and charming but is also known for having a temper and holding grudges. The second pitted Sanders against Rep. Jeff Miller, a small-government, low-taxes conservative from the religious, military-heavy north Florida panhandle.

And there you have it, the perfect set-up for a two-act sitcom. The only socialist in Congress gets locked in a room with a top Senate conservative and they can't come out until they agree on something. Then repeat with a top House conservative.

All the players, from Congress to the White House, agreed on two overarching goals: to assure that veterans received timely care and to give authorities at the U.S. Department of Veterans Affairs the tools they needed to fire problematic employees. Despite that clarity, however, the process was complicated.

Both the Sanders-McCain and Sanders-Miller negotiations were to a large extent a proxy for the two parties' epic, long-running battle over the size and role of the federal government and, in particular, its involvement in health care. Furthermore, some of the conditions the American Political Science Association has identified as ideal for forging compromise were conspicuously [absent](#). For a start, Sanders did not have personal relationships with McCain or Miller. Second, the negotiators were operating in a fast-moving crisis environment rife with opportunities for mistrust and misunderstanding. And third, the process was closely watched and occasionally explosive. At one point, the media reported that prospects for a deal had disintegrated.

But these negotiators set an example for future dealmakers in the way they kept at it, no matter what obstacles arose. Meeting deadlines, political pressure, and a sense of duty prevailed in the end. Lawmakers were heading home for a five-week pre-election recess, and no one in either party wanted to tell constituents they had failed to help veterans.

A SCANDAL ERUPTS

The need for help was not in doubt. The VA health system is the largest in the nation, with some 1,600 medical centers, community clinics and other facilities; 288,000 employees; a \$55 medical care billion budget; and 236,000 appointments daily. In recent years, the system has confronted the twin challenges of an aging veterans population and the toll of long wars in Afghanistan and

Iraq. Some 2 million new veterans had enrolled in four years, Sanders said at a July 2014 news conference, most as a result of those two wars. Moreover, he said, half a million troops had returned from those wars with post-traumatic stress disorder or traumatic brain injury.

The strain on the system was coming to light in occasional cases of egregious failure. In one hair-raising example, Barry Coates, 44, told the House Veterans Affairs Committee that he was dying of cancer because VA personnel at several facilities in South Carolina diagnosed him with hemorrhoids for a year before doing a colonoscopy. By then he had Stage 4 cancer. “Due to the inadequate and lack of follow-up care I received through the VA system, I stand before you terminally ill today,” he said as lawmakers became angry and even tearful.

Coates was the first witness at that hearing on April 9, 2014. His testimony and the responses to it were so dramatic that barely anyone noticed when, 90 minutes later, the Phoenix situation came up in public for the first time.

Miller wanted to know if Dr. Thomas Lynch, the VA department's assistant deputy undersecretary for health clinical operations, was aware that the VA system in Phoenix was using a system of two lists, to make it appear that veterans were waiting less than a month for appointments when in truth they were waiting far longer. “It appears there could be as many as 40 veterans whose deaths could be related to delays in care. Were you made aware of these unofficial lists in any part of your lookback?” Miller asked.

“No, I was not,” Lynch replied.

“So your people had two lists and they even kept it from your knowledge. Does that make you even internally question the validity of the information being used in your lookback and your reviews?” Miller asked.

“At the moment it does not,” Lynch replied.

At that point, Miller ordered all potential evidence in Phoenix to be preserved and asked the VA inspector general to investigate as soon as possible.

Across the country in Phoenix, Dennis Wagner set to work. For four months the investigative reporter for *The Arizona Republic* had been interviewing whistleblowers and requesting documents under the Freedom of Information Act. As he watched Miller's exchange in an online webcast, he knew he had to publish immediately, lest another media outlet beat him on his story.

To his surprise, Wagner says, Miller's revelation and his own extensive, detailed article documenting the scandal were greeted with “the resounding sound of silence.” For nearly two weeks nothing happened, except that Wagner was inundated with tips from VA whistleblowers all over the country.

Then, on April 23, CNN came out with its own version of the Phoenix story. And the dam broke.

It turned out that nationwide, the VA was coping with the onslaught of need by delaying appointments and treatment, manipulating schedules, falsifying records and possibly engaging in fraud. Throughout May, Miller fired off one press release after another as reports of preventable deaths, whistleblower retaliation and attempted cover-ups, including destruction of documents, piled up. On May 1, VA secretary Eric Shinseki put three top Phoenix officials on administrative leave. On May 5, the American Legion called for Shinseki's resignation. On May 15, Shinseki delivered what Miller called an "out-of-touch performance" at a Senate hearing and President Obama designated his deputy chief of staff, Rob Nabors, to manage the crisis. VA undersecretary for health Robert Petzel, another witness at that hearing, resigned the next day.

On June 9, the VA reported that 57,000 veterans at its facilities were waiting more than 90 days for an appointment, and another 64,000 were not on a waiting list although they had sought care.

On May 28, an interim report from the VA inspector general found it was taking an average 115 days for veterans in Phoenix to get primary care, as opposed to the 24 days shown on official records—and 1,700 people seeking appointments were not on any list at all. The IG called the Phoenix problems systemic and said he had opened investigations at 42 VA health centers. That same night, at one of several primetime hearings on the House side, Miller accused the VA of withholding documents despite a weeks-old subpoena. "Veterans' health is at stake and I will not stand for a department cover-up," he said. Maine Rep. Mike Michaud, the senior Democrat on the committee, said the situation had become "increasingly difficult and emotionally charged." He added: "We'll get to the bottom of this and uncover the truth." Two days later, after a meeting with Obama, Shinseki resigned.

The intensity level was high and stayed that way. In just one indicator, Miller held 14 hearings between May 28 and final passage of the veterans compromise in late July. His topics included treatment of whistleblowers, bonuses for senior VA officials, "bureaucratic barriers" to VA care, comparing VA practices to the private sector, how to give veterans private health-care choices, and how to restore trust. There was also one about access to mental health care. It was called "Service should not lead to suicide."

On June 9, the VA reported that 57,000 veterans at its facilities were waiting more than 90 days for an appointment, and another 64,000 were not on a waiting list although they had sought care. Miller responded that "corruption is ingrained" in the system. "The only way to rid the department of this widespread dishonesty and duplicity is to pull it out by the roots," he said. The next day the House passed a bill giving veterans better access to care by a unanimous 426-0 vote. It had already given new firing authority to VA officials on a 390-33 vote in May.

TWO SENATE SCRAPPERS

The Senate also acted quickly, but its process was pricklier, reflecting the personalities and priorities of the top negotiators. McCain was not on the Veterans Affairs Committee chaired by Sanders, but he was the senior Republican on the Armed Services Committee and a longtime leader on defense and veterans issues. On top of that, his state was ground zero for the scheduling crisis. In early June, [he introduced a major bill](#) embodying his party's response to the scandal and stepped up as Sanders' GOP negotiating partner.

McCain's bill put a new issue on the table—giving private choice to veterans who lived far away from VA medical facilities. Sanders, who had been focused on fixing scheduling and strengthening the VA internally, learned of McCain's new idea when it showed up in McCain's bill. As one aide put it, "This was not an element of the initial crisis. Distance was not necessarily the problem that everyone had been talking about. This was adding a new dimension." Over in the House, Miller saw the McCain provision, liked it, and quickly added it to the fast-moving House bill.

Sanders and McCain, meanwhile, were living up to their reputations as scrappers. They were arguing—or making their points forcefully, as a Sanders aide prefers to put it—practically until the moment they announced their deal, culminating in a last-minute clash over McCain's long-distance provision. It was not "a knockdown drag-out fight. A little heated? Yes. A lot heated? I wouldn't characterize it as that," said a person familiar with the incident. "I don't think they ever had a full breakdown. There were moments when folks needed to go off and think a little. But you never had that 'we're going to go to our corners for a week.' They both did their best to negotiate very quickly."

The roots of the problem lay in the ongoing polarization in Congress. As usual, the two sides were divided over conflicting core philosophies of government and wary and suspicious of the other side. "Sanders had the view that McCain was trying to take away the VA and that was his ultimate intention. McCain had the view that Sanders was always going to prop up the VA and never accept any criticism of it," says Ian DePlanque, chief lobbyist for the American Legion, the country's largest veterans organization. Neither was truly the case, he says, but that was the impression the pair gave. McCain's statements were focused on choice and private care, DePlanque says, reflecting the Republican view that the private sector would almost always do better than the government. On the other side, he says, Sanders' statements suggested that "he wanted to use the VA as a model for what single-payer could look like across the country. He has had a tendency to want to show the best of it."

In reality, the pair were pragmatic if occasionally hotheaded negotiators. McCain did not want to get rid of the VA and Sanders did not believe the VA was perfect, in fact had called the Phoenix revelations "reprehensible" and "totally intolerable." He agreed to give veterans the choice of private care for both scheduling and distance reasons, and McCain agreed to limit the choice program to a two-year trial. Both agreed on expanded firing authority, and they compromised on how much due process to allow for those who were dismissed.

Congress embodies American diversity in all its crazy glory, but Miller and Sanders had to set some kind of record for temperamental, cultural and ideological differences.

The pair included a number of other provisions such as in-state tuition for all veterans and spouses of troops killed in the line of duty, and more health services for sexual assault victims. Also, they set up reviews to evaluate capital planning, scheduling technology, and overall VA management and delivery of care. And they agreed to classify the whole bill as emergency spending, a cost of war. That meant it was exempt from the “pay as you go” rule that requires Congress to offset costs with cuts elsewhere.

When they went to the floor to announce their deal, McCain joked about the behind-the-scenes drama. “I respect the fact that Bernie Sanders is known as a fighter, and it’s been a pleasure to do combat with him,” he said with a laugh. Sanders said that “reaching a compromise among people who look at the world very differently is not easy,” but that he and McCain had “tried our best.”

Five days later, the Senate passed the Sanders-McCain bill 93-3. And then the real political fireworks started.

THE ODDEST BEDFELLOWS

Congress embodies American diversity in all its crazy glory, but Miller and Sanders had to set some kind of record for temperamental, cultural and ideological differences. Miller’s Florida panhandle district is “culturally part of Dixie,” his website says, and geographically so far west it is in the central time zone. The area is known as the Bible Belt, the Emerald Coast and, depending on who’s doing the nicknaming, the Redneck Riviera or the American Riviera. Its economy is driven by agriculture, tourism and the military, including Eglin Air Force Base.

Miller’s family first settled in Florida in the mid-1800s. His parents raised cattle and he started in politics as an aide to a Democratic state agriculture official. But he switched to the GOP in 1997 and won a state House seat a year later. When Rep. Joe Scarborough left Congress in 2001 to become an MSNBC talk show host, Miller won the race to succeed him. *The Almanac of American Politics* calls him “soft-spoken and a good listener,” and a “forceful advocate” for cleaning up the VA. He tied with nine other House members as [most conservative](#) in a *National Journal* analysis of 2011 votes.

The strangeness of the Miller-Sanders pairing was “not lost on anybody involved in this negotiation,” one Republican familiar with the discussions said wryly.

The staff aides who worked to reconcile the House and Senate bills had long-standing relationships, but aside from small talk about professional issues at a few joint hearings, Miller and Sanders did not. It wasn't like they could compare notes on their favorite football teams or fishing spots, as Sen. Patty Murray (D-WA) and Rep. Paul Ryan (R-Wisc.) had done during painstaking 2013 negotiations on a budget deal. Asked if the two veterans chairmen had anything in common, one aide replied, "No—aside from the goal that failure wasn't an option."

The first meeting of their negotiation was in the Senate dining room, and despite the gulf between them, it went smoothly. There were no awkward pauses. In fact, jokes flew across the breakfast table.

And at first it seemed their respective chambers were not all that far apart. Both the House and the Senate had passed two-year programs allowing veterans to use private care if they lived more than 40 miles from a VA hospital or clinic or were experiencing long waits for a primary care appointment. Both required an independent evaluation of the Veterans Health Administration, which runs the VA's hospitals, clinics and other facilities. The House had previously passed separate bills on firing authority, in-state tuition for troops and surviving spouses, and authority for the VA to lease 26 new clinics and other facilities.

But there were differences—among them a number of Senate provisions that the House had not previously approved, such as the new services for sexual assault victims, directing that \$500 million in left over money be used to hire new VA medical staff, and emergency appropriations to finance the new private care choice program. And there was a larger difference that suggested the road to compromise would not be smooth: Democrats, along with the disabled veterans community, wanted to add new money to bolster the VA internally. Miller and the House leadership wanted to focus on the private-choice program.

The ideological gulf between the parties makes all Capitol Hill negotiations difficult, but this one had some special challenges. The two chairman were as far apart as politically possible on the right-to-left spectrum, and the backdrop to their negotiations was a residue of Democratic bitterness over George W. Bush's military and fiscal policies. The negotiators were also coping with a telescoped time period that didn't allow for much study of options; non-stop press coverage that magnified every step forward or back; pressures from leadership on both sides, and repeated episodes of Republicans, Democrats or both feeling blindsided.

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The non-partisan Congressional Budget Office produced the first unpleasant shock with a cost projection just as both chambers were passing their bills. The CBO estimated the Senate choice program would cost \$35 billion in its first three years and ultimately rise to an [astronomical \\$50 billion a year](#). The House program was even more expensive because it allowed private care if veterans couldn't get a VA appointment within two weeks, as opposed to a month in the Senate version.

The totals sent both sides scrambling to bring down their costs. There was nothing the negotiators could do about one cost driver, the CBO presumption that many more veterans would enroll in VA health care once the choice program kicked in. But on other issues, there was a quick meeting of the minds. The House agreed to a 30-day minimum wait to qualify for the choice program. The two sides decided that private insurance carried by veterans would be the primary coverage for private care that was not service-related, and that after the date of enactment, only combat veterans would be eligible for the choice program. A geodesic distance standard was applied. That is, to participate in the choice program, you had to live 40 miles from the nearest VA facility measured by as the crow flies, or the shortest distance between two points. And that applied to any VA facility. If you lived within 40 miles of a VA dental clinic but needed radiation treatments, you were out of luck.

There was one issue big enough and controversial enough to sink the whole enterprise: Whether the VA health system itself should get more money to fix its problems—and if so, how much and where to find it. The American Federation of Government Employees called understaffing at the VA “the number one cause of this crisis” and Sanders was a strong advocate of what he called strengthening VA capacities. From the start of the scandal, he had been asking for numbers from the VA—how many doctors it needed, how many facilities, how much money. At the same time there were many concerns about VA management and spending decisions, among them that money was going unspent and private providers were seeing twice as many patients as those at the VA.

Miller was the lead skeptic. He talked of VA officials who had repeatedly assured Congress they had enough money to meet veterans' needs, and government watchdogs who were saying amid the scandal that they had no confidence in VA numbers. At one June hearing, Miller said Congress had allocated at least \$2.4 billion in recent years to solve scheduling problems. “Why are we still using outdated scheduling software and programs?” he asked. Acting VA Inspector General Richard Griffin replied that “a lot of money has been wasted.”

THINGS FALL APART

The whole process was nearly derailed when acting VA secretary Sloan Gibson told senators at a July 16 hearing that the VA needed \$17.6 billion to put itself right. The money would be used to hire more staff, upgrade technology, and build, lease and renovate facilities. Five days after the Gibson bombshell, Sanders, Gibson and staff experts gathered in Sanders' office. Miller, calling in from Florida, cross-examined Gibson about the basis for his request and was not happy with what he

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heard. “There wasn’t a lot of detail behind these answers,” said a person who was in the room. Miller “kept his cool” but “what we all heard was frustration.”

Two days later, Miller held yet another hearing and had a chance to express himself directly to Gibson, one of the witnesses. Veterans are sacred but the VA is not, he told the acting VA chief, and “throwing billions into a system that has never been denied a dime will not automatically fix the perverse culture” there. Two days after that, the stolid chairman engaged in what for him qualified as a highly theatrical temper tantrum.

He stood on the House floor and held up what he said was a typical VA budget request from the Obama administration: “Over 1,300 pages in four volumes to justify the money that’s spent at the Department of Veterans Affairs.” Then he held up Gibson’s request for \$17.6 billion. “I have in recent days called it a three-page document,” Miller said. “But actually, if you take the cover letter off, you take the closing page off, you have one page to justify \$17.6 billion.” He ripped off the pages as he spoke, held up the one page, and leveled his final salvo. “I actually believe that we could have already come to an agreement if Sen. Sanders had not insisted on moving the goal posts and adding this \$17.6 billion ask into a clearly defined conference committee.”

Sanders himself had said in opening the July 16 hearing that “we have been making significant progress in the last month and I believe that we can reach an agreement very soon.” But the Gibson request and the phone call with Miller marked a turning point. “From that point forward it was difficult,” said an aide close to the negotiations. “From that point forward it seemed like there was a huge difference in opinion. Part of the problem was that they weren’t in fact talking.”

Republicans felt it was out of bounds to interject such a huge sum into the negotiation at such a late stage. They were also annoyed by floor speeches by Senate Majority Leader Harry Reid (D-NV). On June 2, Reid said Republicans had blocked a Sanders bill to help the VA meet veterans’ needs back in February because they were worried about “busting the budget.” He said they didn’t worry about that when they sent hundreds of thousands of troops to Iraq on “the credit card of the taxpayers of America” and ran up a \$1.5 trillion debt on that war alone. “Republicans ignore the true cost of democracy,” Reid charged. “Republicans focus on the monetary costs only, the dollar bills, because any money going to our veterans is \$1 less going to billionaires, corporations, and unnecessary tax cuts.”

On July 21, the same day as the phone call that so perturbed Miller, Reid was back on the floor. “We have spent trillions of dollars in two wars—unpaid for, by the way. That is what President Bush

wanted, and that is what he got. He squandered the surplus we had—a surplus of over 10 years when he took office that was trillions of dollars,” Reid said. “But now we are being asked to spend a few dollars to take care of these people who have come back in need—as our veterans,” he said, and “it looks to me” as if the conference committee will fail. “Why? Because they have to spend money on these people on whom they were glad to spend money to take them to war. But now they are back. They are missing limbs. They have many post-traumatic stress problems, a lot of medical issues, and no money is there.”

Sanders was “working to get to a place of yes,” as one aide put it, but at the same time Republicans felt like Reid was beating them up. From the standpoint of GOP lawmakers, they had proven with passage of the private-choice bill and the earlier bills on tuition and new facilities that they were not pinching pennies. Now they were out to prove they could compromise. According to a person close to the negotiations, they were planning to do it by asking House and Senate conferees to vote July 24 on a “serious proposal” that included all the Senate provisions that were not in the stripped-down House bill. The idea was, “We’ll show you we want a deal. We’ll take every single one of these provisions. We were basically conceding. They could have known that if they had shown up and listened to what the offer was.”

The offer, however, did not include any money at all toward Gibson’s \$17.6 billion request, which had arrived weeks after the House and Senate passed the bills the negotiators were trying to reconcile.

Sanders and other Democrats were predictably livid. Mainly they resented what they viewed as Miller’s high-handedness. He and Sanders were co-chairs of the conference committee yet Miller had called a meeting without talking to Sanders about a time or even if it was constructive at that point to bring members together.

Instead of going to Miller’s meeting, the aggrieved Senate Democrats held a press conference to vent about money and collegiality. Sanders responded to Miller’s moving-the-goal-posts charge by saying he did move them—“to a much lower and more realistic number,” \$10 billion less than the initial Senate bill. He said he had tried to meet the Republicans “more than halfway,” but was sad to conclude that “the good faith we have shown was not reciprocated by the other side.” Miller’s approach, he said, amounted to saying “come to a meeting, vote for my bill, end of discussion.” He added: “That is not democracy.”

Montana Sen. Jon Tester, head of the Democrats’ Senate campaign committee, then picked up where Reid had left off. “I was not here in 2003. But I would be willing to bet anybody that’s here that they did not talk about offsetting the wars in Iraq when they decided to go in and fight that war. Taking care of our veterans is a cost of war,” he said. “We need to depoliticize this and do right by our veterans. The fact is it’s going to cost some money.”

House Speaker John Boehner blamed the impasse on ... Obama. “Bipartisan, bicameral negotiations were making good progress, until the White House began demanding more money with

no accountability, and no strings attached. Now, I want to be clear: there's going to be no blank check for the president and his allies," Boehner said. Other Republicans blamed Sanders, who had invited Gibson to assess VA's internal needs and ended up with what one aide called "a half-baked proposal" that arrived smack in the middle of a negotiation.

With the clock ticking toward a five-week recess starting Aug. 4, the parties had fallen into their usual roles and stereotypes: Democrats focused on strengthening a frayed safety net, Republicans fretting about spending—in this case not just the amount but also the very real prospect of throwing good money after bad. The media reported that tensions had erupted into the open, negotiations had broken down and failure was imminent. "[How VA Reform Fell Apart In Less Than 4 Days](#)," said the Huffington Post headline.

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THE BREAKTHROUGH

John McCain often jokes that it's darkest before it gets totally black. But in an echo of the clash he had with Sanders just before they reached an agreement, the Miller-Sanders implosion also proved to be momentary—the last cathartic paroxysm before a compromise was reached just a couple of days later.

"There was a brief moment when each side was questioning the intentions and the motives of the other," said a Republican familiar with the negotiations. But both sides quickly realized that "we cannot go home in August without a deal because that would be a colossal failure of our responsibility first and foremost, but it would also be a political disaster."

The House had offered zero money for VA improvements, while Sanders had asked for close to \$9 billion. In the end, both sides agreed to \$5 billion. Another \$1.5 billion went for leases of 27 major medical facilities in 18 states and Puerto Rico. The two sides also decided to create a Veterans Choice Fund and settled on putting \$10 billion into it.

The new fund led to one of the stickiest disputes of the negotiation. The House wanted no time limits, so that Congress could replenish the fund and extend the program at any point without having to evaluate and renew it. Sanders wanted a time limit precisely so the program would be subject to evaluation and renewal. The two sides ultimately agreed on a limit of three years or whenever the

money ran out. The House had pressed for the extra year. The thinking was the program would be more entrenched, and there would be more evidence available on how it was working.

The final product also allowed the GOP to finesse the politics of paying for it. The House went along with the Senate's emergency spending designation, with a twist. Negotiators had earlier found \$5 billion in savings to offset what they knew would be an expensive bill. Initially those savings were meant to defray the cost of the choice program. Now they were described as paying for the internal VA staffing and facilities upgrades—the part of the bill that was “least popular with conservatives,” as one negotiator explained.

Accountability—whether to allow any due process to those being dismissed or demoted, a top priority of unions representing VA employees and executives—was one of the last issues to be settled and also one of the easiest. The House, which had offered no due process, agreed quickly to an appeal within a week, a decision within a month and no pay for the duration of the appeal. And true to its word, the House accepted almost all aspects of the broader Senate bill in exact or slightly modified form. The phrase “[adopts the Senate provision](#)” appears 22 times in a summary of the compromise bill.

At a press conference announcing the agreement, Sanders said getting to that point had been very difficult, due in part to “a lot of partisanship going on.” He said the deal would not have happened without Miller’s “determination and hard work.” For his part, Miller called Sanders his good friend and said the volatility of the process had been exaggerated by the media. Asked if conservatives would support a bill with such a hefty price tag, Miller replied, “Taking care of our veterans is not an inexpensive proposition and our members understand this.”

In the end both votes were close to unanimous—420-5 in the House, 91-3 in the Senate. Obama signed the VA bill Aug. 7 at Fort Belvoir. The new law, he said, “will help us ensure that veterans have access to the care that they’ve earned.”

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A DIFFERENT KIND OF DEALMAKING

So how close did Miller and Sanders come to the ideal negotiation? Some aspects of their collaboration matched the conditions APSA found to be harbingers of success. One was their reliance on nonpartisan fact-finders. They weighed testimony and findings from victims, whistleblowers, inspectors and investigators from both inside and outside the VA. And though they were skeptical of the CBO cost projections, they took them into account in their deliberations.

The two men did not have a pre-existing relationship, a pattern of interaction or much of anything in common—elements that have been key in other deals, such as [Murray-Ryan budget agreement of 2013](#). However, some Sanders and Miller aides had worked together on veterans issues for as long as 15 years. That was crucial to continuous communication, especially when communication broke down among the principals.

Privacy, another key to the Murray-Ryan deal, was not a hallmark of this negotiation. The media glare was relentless, driven in part by Miller's constant hearings that showcased VA problems, failures and tragedies. The attention gave the ups and downs of the negotiations perhaps more dramatic import than they deserved, but at other times it was helpful in keeping up the pressure for a final deal.

Party VIPs were also in the mix, for better or worse. House GOP leaders provided big-picture guidance on what was doable but left the details to Miller and his staff. Reid went off on his own messaging tangent and that was not helpful, but it was not fatal either. In part that was because veterans issues have a unique ability to unite conservatives and liberals in the cause of helping those who served. The nation's obligations to its veterans were what mattered in the end.

The negotiators also had a major “penalty default,” the term APSA uses for the idea that both sides must fear and dread the consequences of failure. The nation was riveted by the veterans scandal. People would have been disgusted had Congress done nothing to fix mistreatment of millions of heroes. And there was a hard deadline for avoiding such embarrassment, since lawmakers were headed home to campaign for reelection in early August.

At the one-year anniversary of Miller's first public mention of the Phoenix scandal, in April 2015, a person involved in the negotiations looked back on the speed of the process and got a case of nerves. The private-choice program was completely new and, according to the experts at CBO, was going to be very expensive. In the typical congressional time frame for a new proposal, experts would have talked through the options at a series of hearings and offered suggestions on which would be most effective. “It was quick and there was a lot of pressure,” this person said. “Where we are now, we're working out some of the kinks.”

Even accounting for a very slow phase-in of the choice program, the CBO estimates were proving wildly overblown. Nine months after enactment, only a half billion dollars had been spent. On Capitol Hill, there was talk of changing the 40-mile minimum to use private care, now applying to distance from any VA facility, to distance from a VA facility that offered the type of care needed by the veteran. On its own, the VA had already added flexibility to the requirement that mileage be calculated as the crow flies.

By April, Dennis Wagner and The Arizona Republic had won three major investigative journalism awards for their work uncovering the VA scandal.

Miller was looking at a race for the Florida Senate seat open in 2016 as a result of Marco Rubio's run for the Republican presidential nomination. He was still an active chairman of the House Veterans Affairs Committee, still holding hearings, dogging the department and sponsoring bills to change its culture. He marked the anniversary by noting that not a single VA employee had been fired over wait times. "VA's chief problem—a widespread lack of accountability among failed employees—is as prevalent today as it was a year ago," he said.

On the Senate side, Democrats lost their majority and Sanders moved on. A year after his unlikely moment of glory as a practical negotiator on the veterans deal, he announced that he was running for the 2016 Democratic presidential nomination on a platform that includes single-payer health care for all.

DePlanque had been promoted from deputy legislative director to legislative director for the American Legion. His assessment of progress was measured. Asked about conditions in the VA health system, he replied: "Better than they were? Yes. Fixed? No."

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