the last five Secretaries of State. This report makes clear that Secretary Clinton has not told the truth to the American people about her nongovernment server and email arrangement.

As I have noted many times before, Secretary Clinton's nongovernment server arrangement prevented the State Department from complying with the Freedom of Information Act. She used the private server to avoid the law that requires archiving Federal records. It was designed to wall her email off from the normal treatment of a government official's email communications.

The inspector general found that Secretary Clinton failed to surrender all official emails to the Department prior to leaving government service.

The inspector general found that Secretary Clinton's email practices ''did not comply with the Department's policies that were implemented in accordance with the Federal Records Act.'' In other words, she violated the law. The inspector general has made clear that Secretary Clinton neither sought nor received any permission to maintain her nongovernment server arrangement. Moreover, the report says that if she had, that permission would have been denied.

These findings directly conflict with her many misleading public statements.

Secretary Clinton said on July 7, 2015, ''Everything I did was permitted. There was no law. There was no regulation. There was nothing that did not give me the full authority to decide how I was going to communicate.''

That statement is false.

Her staff also failed to comply with Department policy and records laws. They routinely conducted State Department business on personal email accounts.

After the controversy broke, they eventually turned over 72,000 pages of work related emails from those private accounts. These emails were not preserved in Department recordkeeping systems as required by Department policies and Federal records laws. In other words, her staff also violated the law.

Documents in those 72,000 pages were systematically withheld from Freedom of Information Act requestors and congressional oversight committees, including the Senate Judiciary Committee, which I chair. Based on the inspector general report, it appears that the Department failed to produce key documents to Congress from these personal email accounts.

For example, according to emails cited by the inspector general, we learned that Secretary Clinton's nongovernment server was attacked by hackers. One email the Department failed to turn over said that ''we were attacked again so I shut the server down for a few minutes.''

It is disturbing that the State Department knew it had emails like this and turned them over to the inspector general but not to Congress.

In another email the Department failed to turn over, the director of Secretary Clinton's IT unit warned her that ''you should be aware that any email would go through the Department's infrastructure and subject to FOIA searches.'' Clearly, Secretary Clinton wanted to avoid the Freedom of Information Act at all costs.

That IT director who warned her about the transparency laws for State Department emails is named John Bentel. He has since retired from the State Department, and thus, the inspector general could not require him to testify.

He refused to speak with the inspector general. In fact, Former Secretary Clinton and several of her aides also refused to speak to the inspector general.

Mr. Bentel also refused to speak with the Judiciary Committee. According to his attorney, Randall Turk, Mr. Bentel knew nothing about the server at the time. In refusing to participate in a voluntary witness interview with the committee, Mr. Bentel's attorney claimed that his client only learned of the controversial email arrangement after it was reported in the press.

He said another congressional committee ''spent its entire interview . . . focusing on what the Committees' letter says you want to ask him about.''

In a January 14, 2016, email to my staff, Mr. Turk noted that Mr. Bentel had ''no memory or knowledge of the matters he was questioned about.''

The inspector general report says otherwise. According to the report, two of Mr. Bentel's subordinates separately raised concerns back in 2010 about Secretary Clinton's private email usage, including concerns that it was interfering with Federal recordkeeping laws. That is 5 years before the news broke publicly.

Both of these State Department staff independently told the inspector general about similar conversations they had with Mr. Bentel about their concerns. According to these new witnesses, Mr. Bentel told them never to speak of Secretary Clinton's personal email system again.

It seems unlikely that two witnesses who told such similar stories independent of one another would be making it up. Plus, they knew they were under a legal obligation to tell the truth to the inspector general.

Without having spoken to these witnesses directly, the circumstances make their statement seem credible. And although Mr. Bentel has been given the opportunity to provide his side of the story, he has refused to cooperate.

But if what these two witnesses said is true, it is an outrage, and it raises lots of serious questions. Good and honest employees just trying to do their job were told to shut up and sit down. Concerns about the Secretary's email system being out of compliance with Federal recordkeeping laws were swept under the rug.

If those State Department employees had not been muzzled 5 years earlier, perhaps Secretary Clinton could have avoided this entire controversy.

Are these statements evidence of an intent to cover up Federal Records Act violations? Were the representations to the committee by Mr. Bentel's attorney that he didn't know about the private server false?

It seems from the inspector general report that Mr. Bentel in fact did have knowledge of Secretary Clinton's email arrangement, contrary to his attorney's assertions.

Not only that, he also was reportedly warned that it raised legal concerns about compliance with Federal records laws.

Secretary Clinton and her associates have refused to cooperate with the inquiries into this controversy. But it is becoming more apparent why she is not. The inspector general report makes clear that Secretary Clinton and a number of other former Department officials have not been truthful with the American people.

And in pursuit of constitutional oversight on these very important issues, the Department of State is continuing to fail to provide relevant documents to Congress.

I will follow up to get to the bottom of these discrepancies because misrepresenting the facts to Congress is unacceptable. Simply said, the American people deserve better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. PETERS. Mr. President, I rise today to speak in support of the Peters amendment No. 4138 to the National Defense Authorization Act. I would like to thank my colleagues, Senators DAINES, TILLIS, and GILLIBRAND, for joining me in filing this important bipartisan amendment.

We are a nation that takes care of our own, and we owe our veterans the highest possible level of care and support. The United States is home to over 2.6 million post-9/11 veterans—a number that is expected to increase by 46 percent by 2019. The improvements in medical technology have saved the lives of wounded warriors, who will receive the benefits and care these heroes deserve.

While scars, lost limbs, and other injuries are readily apparent to the eye, there are thousands of veterans coping with the invisible wounds of war. We have far too many servicemembers who are suffering from trauma-related to conditions such as post-traumatic stress disorder or traumatic brain injury. Unfortunately, many of these

have received a less-than-honorable discharge, also known as a bad paper discharge. These former servicemembers often receive bad paper discharges for minor misconduct—the same type of misconduct that is often linked to behavior seen in those suffering from PTSD, TBI, and other trauma-related conditions.

The effects of traumatic brain injury can include cognitive problems, including headaches, memory issues, difficulty thinking, and attention deficits. It is not difficult to see how these effects could lead to behaviors like being late to a formation or missing scheduled appointments—behaviors that can be the basis for a bad papers discharge.

In addition to combat-sustained injuries, PTSD and TBI can also be the result of military sexual trauma. Bad paper discharges make former servicemembers who are suffering from service-connected conditions ineligible for a number of benefits that they need the most. This includes GI benefits and VA home loans which they otherwise would have earned and which can significantly help them transition to civilian life. These discharges also put these servicemembers at risk of losing access to VA health care and veteran homelessness prevention programs.

This is completely unacceptable. We have a responsibility to treat those who serve their country with dignity, respect, and compassion.

Last year I introduced the Fairness for Veterans Act, which will help provide these servicemembers with a path toward obtaining these critical benefits. The Peters-Daines-Tillis-Gillibrand amendment is a modified version of this bill.

This amendment builds upon the policy guidance issued by former Defense Secretary and Vietnam veteran Chuck Hagel. The 2004 Hagel memo instructed liberal consideration to be given when reviewing discharge status upgrade petitions for PTSD-related cases at the military department boards for correction of military and naval records. The Peters amendment would codify the commonsense principles of the Hagel memo, ensuring that liberal consideration will be given to petitions for changes in characterization of service related to PTSD or TBI before discharge review boards.

In addition to codifying the Hagel memo at the discharge review boards, the Peters amendment clarifies that PTSD or TBI claims that are related to military sexual trauma are also included.

Our bipartisan amendment is supported by a number of veteran service organizations, including Iraq and Afghanistan Veterans of America, Disabled Veterans of America, Military Officers Association of America, the American Legion, Paralyzed Veterans of America, and Vietnam Veterans of America.

We also have bipartisan support in the House of Representatives, and I appreciate the work being done by Representatives MIKE COFFMAN of Colorado and TIM WALZ of Minnesota, who have introduced a companion stand-alone bill in the House and are supportive of this amendment.

Servicemembers who were subject to a bad paper discharge and are coping with wounds inflicted during their service should not lose access to benefits they have rightfully earned. That is why we must ensure that they get the fair process they deserve when petitioning for a change in characterization of their discharge. Peters amendment No. 4138 will do just that. This is not a Democratic issue or a Republican issue; this is about doing what is right and about taking care of our own.

I appreciate Chairman MCCAIN's and Ranking Member REED's leadership on the National Defense Authorization Act, and I look forward to continuing to work with them on this critical issue. I hope to see a vote on the Peters amendment No. 4138 as we continue the work on the NDAA, and I urge my colleagues to join us in fighting on behalf of our Nation's servicemembers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AND MEDICARE BOARDS OF TRUSTEES

Mr. HATCH. Mr. President, I rise today to speak about pending nominees for the Social Security and Medicare Boards of Trustees.

As most of us know, under the law these two Boards consist of the Secretaries of Treasury, Labor, HHS, Commissioner of Social Security, and two public trustees, one from each party.

One purpose of the Boards is to provide yearly reports on the operation of the trust funds and their current and projected status. Since 1983, when the two public trustee positions were established in the statute, the trustee reports for both trust funds have largely been devoid of partisanship or political influence. That, to me, has been a good thing. It means that the process generating the reports is free of political influence. It also means that the public can have confidence that the statements and assessments made in the reports—including those dealing with current and future financial conditions of the trust funds—are objective and not made to serve a particular agenda.

The inclusion of public trustees on the Boards is an important part of the structure that provides this type of certainty. Yet, by the time President Obama is out of office, the two Boards will have issued more reports with vacant public trustee positions than have been issued under any President since these two positions were created.

In a recent hearing, the Senate Finance Committee, which I chair, heard testimony from President Obama's nominees for the currently vacant public trustee positions, Dr. Charles Blahous and Dr. Robert Reischauer, both of whom have been renominated after serving one full term on the Boards.

Some members of the Finance Committee, as well as a few others in this Chamber, have questioned whether having public trustees serve more than one term is beneficial. Their argument seems to be that the process of producing the trustees' reports should have ''fresh eyes'' every 4 years. However, to me, this argument is not all that persuasive. As the trustees go through the process of producing reports, there are many inputs and many participants, including a number of ''fresh eyes.'' For example, there are numerous technical panels, composed of actuaries, economists, demographers, and others, who review the assumptions and methods used in the trustees' reports. Since 1999, 50 different people have served on these technical panels, weighing in on the reports and providing both fresh perspectives on the trustees' reports as well as a much needed check from what could otherwise be outsized roles played by various others, including the Chief Actuary of the Social Security Administration in guiding the contents of the reports.

In my view, there is value to having continuity in the public trustee oversight of the trust funds, particularly since the process that gives rise to trustee reports takes time to learn. For the most part, public trustees are unlikely to have fully learned the ropes until well into their 4-year terms, and their terms very likely expire very shortly after they have a complete understanding of this whole process. Ultimately, while there are probably some tradeoffs associated with term limits for public trustees, there is no real evidence to demonstrate that a single term is inherently superior or that the benefit of having public trustees with ''fresh eyes,'' outweighs the cost of inexperience.

Whatever the case, Members are entitled to their individual preferences regarding term limits for public trustees, and if the issue is as important as some of my colleagues on the other side claim, a bill to impose those kinds of term limits would seem logical. However, such a bill has not recently been offered, and if the recent Finance Committee hearing on the current nominees is any indication, my friends have a different agenda altogether. If term limits were the real issue with these nominations, the committee could have had a reasoned debate and each Member could have weighed in on the matter and Members would obviously be free to base their vote on the substance and outcome of that recent debate.