

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 ap-

preciate 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. CASIDY). 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.

Sadly, a reasoned debate is not what occurred in our committee. What we got instead was a coordinated attack—pretty much from the ranking member all the way down the Democrats' side of the dais—focused squarely on the Republican nominee, Dr. Blahous. Throughout the course of the hearing, the Democrats never claimed that Dr. Blahous lacked the appropriate credentials to be a suitable trustee. They never provided any evidence that he had acted inappropriately or exercised some kind of nefarious influence in the process of compiling reports. Instead, my colleagues attacked the nominee for expressing policy views they happen to disagree with. He has never worked to change any Social Security or Medicare policies in his capacity as a public trustee because, given the very specific mission of the boards of trustees, he doesn't have any real opportunity to influence or enact any policy changes in any official capacity.

The Democrats' current position seems to be that if a nominee has ever said anything they happen to disagree with—even if the statements represent reasoned policy views and are supported by objective analysis—they are unfit to serve as public trustees. During the course of our hearing, not only did the Democrats publicly subject its nominee to this preposterous standard, they did so with comments and arguments that were misleading, inconsistent, and in some cases blatantly false. In the end, their onslaught amounted to little more than partisan character attacks.

The Republican nominee was referred to as "hyperpartisan," even though you would be hard-pressed to find any credible and reasonable Social Security and Medicare analyst from either party who would agree with that label. He was accused of being the "architect of privatization" of Social Security because he happened to work in the Bush administration. He has been attacked for his involvement in President Bush's Commission to Strengthen Social Security as though that were something nefarious, even though Senator Daniel Patrick Moynihan, a figure long revered by Democrats everywhere and me, was also a cochair of that Commission.

There have been other attacks made—in the hearing and elsewhere—and all of them add up to one single and obvious conclusion, which is that anyone who expresses a view about the future of Social Security that is not a recommendation for more taxes and higher benefits will be subject to partisan attacks and deemed unfit to serve in any capacity relating to Social Security. This is, of course, the demand of leftwing interest groups that have virtually declared ownership of all things Social Security and who are unwilling to do anything about solving the problems of Social Security. All they want to do is throw more money at it when there is no more money to throw.

For this crowd, even arguments in favor of slowing the benefits for upper earners seem to be off limits, even when they are made by the Democratic nominee for public trustee. In other words, even proposals that would make Social Security more progressive—something a reasonable person would assume Democrats would not fight—is seemingly unacceptable because slower benefit growth, even for the very rich, is considered a "cut" to the leftwing activists who try to take ownership of this debate. I am talking, of course, about organizations like Social Security Works, the Strengthen Social Security Coalition, various unions, and "democratic socialist" groups that have made intransigence and unreasonableness on Social Security a hallmark of their efforts over all of these years. For these people, the only allowable discussion on Social Security is one limited to talk of higher benefits and higher taxes on the American people. Anyone who disagrees will not only be refuted or opposed, they will be publicly maligned and their character will be called into question.

Indeed, for many of these groups—and sadly for some of my colleagues on the other side of the aisle—these efforts are not about winning public policy debate, they are about silencing and trying to censor anyone who dares express a contrary opinion.

In even-numbered years, Republicans have more or less gotten used to hearing that we want to see Social Security "slashed" and "privatized" or "turned over to Wall Street." Leftwing activists—and, yes, even a number of our colleagues—base a huge portion of their fundraising efforts on scaring Social Security and Medicare beneficiaries with those kinds of over-the-top attacks. For once, when it comes to Social Security, I wish we could look at all the facts. For example, everyone knows we made some changes to Social Security last year in order to prevent imminent and legally required cuts to disability benefits. We did so based on the projections of the Social Security trustees—these very people who are being treated in this improper way.

Did we "slash" benefits? Did we privatize anything? Did we turn anything over to Wall Street? Of course not. What we did was make reasonable and needed changes to the program, but that didn't stop many on the other side from sounding the privatization alarm and raising money by scaring beneficiaries, even if they were as aware as we were that the cuts to disability benefits were, absent changes, an absolute certainty. We got precious little help from the Democrats in our efforts to avoid benefit cuts because, as is too often the case around here, complaining about a problem and blaming the other side for it makes for better politics than finding a solution. That same strategy and those same attacks have now permeated the effort to confirm two of President Obama's nomi-

nees. By the way, I am arguing for President Obama's nominees.

As I said, the Republican nominee for public trustee has been accused of being many things. More than anything, some of my colleagues have tried to link him to some kind of effort to try to privatize all of Social Security and hand everything over to Wall Street—never mind the fact that he has already served in the very same position for 4 years and Social Security is no closer to being in the hands of Wall Street than it was before, never mind the fact that he was already confirmed to the very same position once before without any opposition on the Senate floor, never mind anything that has happened in the past. Here and now, according to my colleagues, he is controversial. Here and now, letting him serve as a public trustee would be like having a fox guarding the henhouse or some such nonsense. By the way, that phrase, "fox guarding the henhouse," is an actual quote from one of our colleagues describing Dr. Blahous. Apparently, he became a "fox" sometime in the last 6 years because in 2010 no one in the Senate objected to his confirmation, but here in 2016, there are apparently some Democrats who feel they need to use this nomination and their partisan rants against it to raise money for their campaigns and perhaps in a case or two boost their prospects for higher office. Of course, none of this is entirely surprising because years ago, probably in some Democratic war room, my friends on the other side discovered that terms like "privatization" and "Wall Street" and "cuts" poll well with their political base, even though no such thing is taking place.

As an aside, this favorable polling data explains why we heard their party's Presidential frontrunner back in February make this claim:

After Bush got reelected in 2004, the first thing he said was, let's go privatize Social Security. . . . And you know what, their whole plan was to give the Social Security trust fund to Wall Street.

My gosh. There are at least three or four poll-tested buzzwords in that quote. If nothing else, Secretary Clinton deserves at least some praise for focus group efficiency with that statement no matter how false the statement is or was at the time. Of course, in dissecting that claim, the Washington Post assigned it three Pinocchios, concluding that it was false, as only they could conclude. In fact, the Washington Post reminded us that the Clinton administration was the first to consider investing Social Security trust fund resources into something other than low-yielding government bonds. So, in a sense, the real "architect of privatization" was President Bill Clinton, not President George W. Bush, and certainly not the current Republican nominee for public trustee. Furthermore, if simply considering alternative investment strategies for trust fund dollars means "privatization," then the growing list of guilty

privatizers has recently included a Democrat in the House, the AARP, a Nobel prize-winning economist, and many others, and not all of them are Republicans.

Let me return to the debate on the public trustee nomination because, quite frankly, the Democrats made so many misleading claims with regard to Social Security that I could not begin to address them all in a single floor speech.

A recent article in *POLITICO* outlined the plan devised by top Senate Democrats to engage in “an election-year battle” over Social Security and the general public trustees in particular. In relation to Dr. Blahous, the article says: “Democrats point to several instances in the trustees’ reports released after Blahous joined the board that they say suggest the Social Security trust fund is less solvent than it really is.”

That almost sounds like a legitimate policy argument, provided you don’t think about it for longer than 30 seconds. There are, quite simply, countless reasons why that argument is entirely baseless. First of all, no one in the Obama administration has corroborated a single one of these claims in any way, shape, or form. On top of that, this claim seems to suggest that one public trustee, a Republican, has had such a persuasive and misleading influence that he has been able—for more than 4 years—to hoodwink five Democratic trustees, including Dr. Reischauer, the other current nominee, along with Treasury Secretary Lew, Labor Secretary Perez, HHS Secretary Burwell, and Acting Social Security Commissioner Colvin, all of whom also signed on to those trustees reports. Does anyone believe that for a second?

I am going to give my friends some advice: If a political attack relies on an assumption that the sitting Secretaries of Treasury, Labor, HHS, and the Acting Commissioner of Social Security, along with their staffs, are so impotent in the face of the cunning sophistry of a single public trustee from the opposing party, it is best to leave that particular conspiracy theory on the shelf because it doesn’t even pass the laugh test. That is, of course, unless you assume at the outset that members of President Obama’s Cabinet, along with their staffs, are incompetent or just plain dumb.

Aside from being based on foolish assumptions, the claim that recent trustee reports have been biased is verifiably false, given that the non-partisan Congressional Budget Office has reached similar conclusions about the solvency of Social Security. In fact, CBO’s projections are even bleaker.

Perhaps my Democratic colleagues believe that Dr. Blahous’s dastardly influence has extended to CBO as well, although, to be fair, I haven’t heard any of them claim that such is the case.

Mr. President, all of this political bluster over the public trustee nomina-

tions—every single word of it—is a political sideshow. The public trustees do not have the power or ability to slash or privatize Social Security or to turn a single penny of any public funds over to Wall Street. They serve a limited but important role in monitoring and reporting on the system. That is all.

Any reasonable observer will tell you that both of President Obama’s nominees for public trustee have solid reputations as being fair, objective, balanced, and most importantly, highly competent.

I don’t personally agree with all the policy positions that the Democratic nominee, Dr. Reischauer, has put forward over the years, but he has always conveyed his ideas in a temperate and respectful manner without partisanship or ad hominem attacks. Quite frankly, I also may not even agree with all the positions that the Republican nominee, Dr. Blahous, has put forward, but he has similarly conducted himself in a respectful and nonpartisan manner.

The fact is, whether certain Democratic Senators like it or not, the law requires that one of the public trustees be from the Republican Party. If someone wants to put forward legislation to change that or to impose term limits on trustees or even start a public debate on these issues, they are free to do so. Similarly, if a Senator disagrees with a prospective trustee’s positions on policy or with something they have written outside of their public trustee functions, that Senator is also free to vote against that nominee on that basis.

However, in my opinion, it is shameful for Members of Congress to engage in unreasonable and false character attacks in order to reinforce the Presidential candidate’s talking points or to raise money for leftwing activists or to help themselves on their political races. Under any circumstances, it is wrong to impugn someone’s character and professionalism by false association.

While this may be par for the course during an election year, there is more than politics at stake here. If Democrats truly have an interest in the integrity of Social Security and Medicare, and their trust funds, then politicizing public trustee nominations is an extraordinarily odd strategy. If we turn these nominations into just another political battleground, the trustee reports will eventually be viewed as political documents, having no unique seriousness or credibility. In the end, that will mean less transparency, objectivity, and integrity for Social Security and Medicare.

This would be terrifically unfortunate.

To conclude, I would just say that, despite some insinuations to the contrary, my plan all along has been to hold votes on the Finance Committee on the President’s nominees for the public trustee positions as soon as possible. I look forward to filling the existing vacancies.

The trustee reports for Social Security and Medicare have historically been void of politics, to the credit of the current and past administrations as well as the public trustees from both sides of the aisle. This has been the case until now, when politics has entered in. My sincere hope is that we can keep it that way.

I am getting a little tired of the Social Security arguments that Democrats wage every election, such as Republicans are going to destroy Social Security. My gosh, we believe in it as much as they do—in fact, I think, a little bit more. We believe we should strengthen that fund. We should keep it alive. We should make sure it is going to be there for your children, my children, grandchildren and, in my case, even great-grandchildren and beyond. But it is not going to be there if we have these kinds of idiotic policy disagreements based surely on politics and how one party might benefit in a political campaign or how any individual might benefit. It is time for us to get rid of all the partisanship and work together to resolve some of these problems. The next time I hear another Democrat say that Republicans are against Social Security, I am going to take that creature on. I call them a creature because they certainly do not deserve to be in the U.S. Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I rise to highlight a number of important provisions in the fiscal year 2017 National Defense Authorization Act. This is the measure in its entirety. It comes with this report. It is about 1,664 pages for the actual bill and another 642 pages for the report. It is no wonder, as it deals with national security issues as well as the Department of Defense and many other agencies. It is clearly the product of many hours and months of work by the members of the committee, as well as the staff.

We consider it on the floor of the Senate and have a special responsibility to look at it very carefully. This bill, of course, will take some time to be digested and analyzed. We have been in that process this week. Many of us count on our professional staff whom we have work for the defense appropriations committee. They also look at this measure to see how it squares up with the actual spending bill. I don’t serve on the defense authorization committee; I am on the spending part of it, the defense appropriations subcommittee. We approved our measure