NOMINATION OF EUNICE S. REDDICK TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Eunice S. Reddick, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided.

Mr. REID. Mr. President, I ask unanimous consent that time be yielded back.

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

The question is, Will the Senate advise and consent to the nomination of Eunice S. Reddick, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

BRING JOBS HOME ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

Mr. REID. Mr. President, I now move to proceed to S. 2569. Is that pending?

The PRESIDING OFFICER. The Senator is correct; the motion is pending.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on that matter at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 453, S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

Harry Reid, John E. Walsh, Debbie Stabenow, Amy Klobuchar, Patty Murray, Bernard Sanders, Tom Harkin, Richard J. Durbin, Tom Udall, Robert P. Casey, Jr., Christopher Murphy, Tammy Baldwin, Jon Tester, Mark Begich, Sheldon Whitehouse, Carl Levin, Christopher A. Coons.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

The Senator from California.

INFRASTRUCTURE

Mrs. BOXER. Mr. President, I am very proud to be on the floor this evening with colleagues for whom I have a great deal of respect. We have been working so hard across party lines to call the Nation's attention to the problems we are facing funding our transportation system. We all know there are many things in the world we cannot control and many things that are causing tremendous frustration.

I went home this weekend and my constituents came up to me and said: Senator, we cannot even look at our television sets with the tragedies that are unfolding. They feel, as I do and I know our President does, that the tragedies we are witnessing have been born out of historic animosities, and it is very difficult. If we could wave our wand and make things better in all of these areas, we would do so. We will try, and we will push. We are having a meeting with the Foreign Relations Committee, and we are going to move to speak sanity to the world. There is a crisis we can avert and there is a problem we can solve, and that is fixing the highway trust fund shortfall.

For those who don't know, the highway trust fund was created by President Dwight Eisenhower in 1956. He created the trust fund, and it was a brilliant move because he realized and said that we are developing an Interstate Highway System. He said, this is one country, and we have to be united, a physically united country, so we can move goods and people and make this country work. Since then, we have always had bipartisan support for the trust fund.

Why is it in trouble? The trust fund is in trouble because the Federal tax gas receipts have not kept pace with inflation and the rising cost of keeping highways and bridges safe. Some of our bridges are well over 50 years old. I have lived a while, and I can tell you that when you get a little older, you need a little attention, and the fact is our infrastructure is aging and we have to pay attention to it. This is not the time to walk away from this crisis.

Some may wonder why Senator BOXER is showing a photo of a football stadium. This is actually a picture of one of the Super Bowls. There are 100,000 people in this photograph. Do you know there are 700,000 unemployed construction workers? They would fill seven of these stadiums. The good news is there used to be 2 million unemployed construction workers at the height of the recession. We have gotten it down to 700,000, but we still cannot afford this.

What is the economic impact of the failure to act? It is pretty simple—millions of jobs. Because you have the construction jobs, and then you have all the benefits to communities when we have the workers around there—whether it is our cities, being able to have restaurants that are filled, and all the kinds of things which happen when you put people to work in a community.

Millions of jobs and thousands of businesses depend on the highway trust fund and those businesses and those workers are counting on us. You may say: Is there really a problem? Well, 70,000 of our bridges are structurally deficient. Keep these numbers in mind in case you are asked about it at a party—70,000 bridges are deficient and 700,000 construction workers are unemployed and 50 percent of our highways are in less than good condition.

Is this a frivolous issue we are talking about here? The 2012 Urban Mobility Report from Texas A&M said the financial cost of traffic congestion in 2011 was $121 billion, or about $818 per commuter. Of that total, about $27 billion was wasted time and diesel fuel from trucks moving goods on the system.

A 2013 survey by the National Association of Manufacturers says 65 percent answered that our infrastructure is insufficient.

I will tell you some of the ideas to fix it. I am not just out here saying words. I have ideas on how to fix it. One of the ideas was put forth by Senators MURPHY and CORKER. We will hear from Senator CORKER in a moment.

One of their suggestions was to modify the gas tax to meet current needs, and that is pretty straightforward. We have been doing this forever. It is very simple and supported by the Chamber of Commerce and supported by just about everybody.

There is another way to do it that was thought of by the Republican Governor of Virginia. I support this. Let me be clear, I will support all of these measures.

The second suggestion is to replace the existing cents-per-gallon gas tax with a fee on the wholesale price of gasoline from the refinery. I like that because it is a broader way to pay for it.

I drive an electric hybrid, and as a result, I don't fill my car very often. In 2 years we filled it up 4 times. I am not paying my fair share. This would be a more broad-based fee.

The third suggestion is repatriation, which is a very interesting concept, and I know Senator PAUL supports it. It is complicated in terms of the way it scores, but the fact is it would bring in $23 billion over the first couple of years, and it would give a break to some of our businesses.

So many of my colleagues spent so much time on this. I will not go on except to read the names of the supporters of this legislation.

The supporters of the proposal that Senators MURPHY and CORKER have

proposed are the U.S. Chamber of Commerce, AAA, the American Trucking Association. This is huge.

Also, we have received letters from so many people.

Mr. President, I ask unanimous consent to have a letter I received today from Transportation Secretary Anthony Foxx and 11 of his predecessors who served 7 Republican and Democratic Presidents—Johnson, Ford, Reagan, George H.W. Bush, Clinton, George W. Bush, and Obama—printed in the RECORD. They all wrote an open letter saying that we need to pass a long-term transportation bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Department of Transportation Office of Public Affairs, July 21, 2014]

OPEN LETTER FROM SECRETARY FOXX AND 11 FORMER DOT SECRETARIES URGING CONGRESS TO ADDRESS LONG-TERM TRANSPORTATION NEEDS

(By Ryan Daniels)

WASHINGTON.—As Congress considers legislation to avoid a shortfall of the Highway Trust Fund, Transportation Secretary Anthony Foxx and 11 of his predecessors offered the following open letter to Congress. In addition to Secretary Foxx, Secretaries Ray LaHood, Mary Peters, Norman Mineta, Rodney Slater, Frederico Peña, Samuel Skinner, Andrew Card, James Burnley, Elizabeth Dole, William Coleman and Alan Boyd all signed the letter. Their message: Congress' work doesn't end with the bill under consideration. Transportation in America still needs a much larger, longer-term investment. The text of the letter is below:

This week, it appears that Congress will act to stave off the looming insolvency of the Highway Trust Fund The bill, if passed, should extend surface transportation funding until next May.

We are hopeful that Congress appears willing to avert the immediate crisis. But we want to be clear: This bill will not ''fix'' America's transportation system. For that, we need a much larger and longer-term investment. On this, all twelve of us agree.

Taken together, we have led the U.S. Department of Transportation for over 35 years. One of us was there on day one, at its founding. We've served seven presidents, both Republicans and Democrats, including Lyndon Johnson, Gerald Ford, Ronald Reagan, George H.W. Bush, Bill Clinton, George W. Bush, and Barack Obama.

Suffice it to say, we've been around the block. We probably helped pave it. So it is with some knowledge and experience that we can write: Never in our nation's history has America's transportation system been on a more unsustainable course.

In recent years, Congress has largely funded transportation in fits and starts. Federal funding bills once sustained our transportation system for up to six years, but over the past five years, Congress has passed 27 short-term measures. Today, we are more than a decade past the last six-year funding measure.

This is no way to run a railroad, fill a pothole, or repair a bridge. In fact, the unpredictability about when, or if, funding will come has caused states to delay or cancel projects altogether.

The result has been an enormous infrastructure deficit—a nationwide backlog of repairing and rebuilding. Right now, there are so many structurally deficient bridges in America that, if you lined them up end-to-end, they'd stretch from Boston to Miami. What's worse, the American people are paying for this inaction in a number of ways.

Bad roads, for example, are costing individual drivers hundreds of dollars a year due to side effects like extra wear-and-tear on their vehicles and time spent in traffic.

Simply put, the United States of America is in a united state of disrepair, a crisis made worse by the fact that, over the next generation, more will be demanded of our transportation system than ever before. By 2050, this country will be home to up to 100 million new people. And we'll have to move 14 billion additional tons of freight, almost twice what we move now.

Without increasing investment in transportation, we won't be able to meet these challenges. According to the American Society of Civil Engineers, we need to invest $1.8 trillion by 2020 just to bring our surface transportation infrastructure to an adequate level.

So, what America needs is to break this cycle of governing crisis-to-crisis, only to enact a stopgap measure at the last moment. We need to make a commitment to the American people and the American economy.

There is hope on this front. Some leaders in Washington, including those at the U.S. Department of Transportation, are stepping forward with ideas for paying for our roads, rails, and transit systems for the long-term.

While we—the twelve transportation secretaries—may differ on the details of these proposals, there is one essential goal with which all twelve of us agree: We cannot continue funding our transportation with measures that are short-term and short of the funding we need.

On this, we are of one mind. And Congress should be, too.

Adequately funding our transportation system won't be an easy task for our nation's lawmakers. But that doesn't mean it's impossible. Consensus has been brokered before.

Until recently, Congress understood that, as America grows, so must our investments in transportation. And for more than half a century, they voted for that principle—and increased funding—with broad, bipartisan majorities in both houses.

We believe they can, and should, do so again.

Mrs. BOXER. We did it in the Environment and Public Works Committee. Senator CARPER and I led the charge with Senators VITTER and BARRASSO. We did our job. We were able to come together with Senator SESSIONS, Senator VITTER, Senator WHITEHOUSE, and Senator SANDERS—left to right—in our committee. They came together to agree on a 6-year bill.

So what is the problem? It is ridiculous. Unfortunately, the House—and this is not good—decided to kick the can down the road—I know it is a cliche, but it is true—until the end of May. Do you know what it means? It means we will not do anything until then, and it will be right up against the new construction season. Nobody will enter into a long-term contract between now and then. And so we are hoping we can change the way the House and the Finance Committee thought about it, and my colleagues have been leading on this issue.

I am on the Carper-Corker-Boxer amendment that would say: Instead of funding this highway bill through next year, get our work done this year. Who is supporting getting it done this year? The U.S. Chamber of Commerce, the American Association of State Highway and Transportation Officials, the American Road and Transportation Builders Association, National Association of Manufacturers, Associated General Contractors, American Trucking Associations, International Union of Operating Engineers, and LiUNA.

If anybody knows politics, they know these groups hardly ever agree on a darn thing, and they agree we should act this year.

I am proud of my friend here, for whom I will yield shortly.

I support their efforts wholeheartedly and will do everything I can to ensure we don't just do smoke-and-mirrors. Explain to me when you do the smoke-and-mirrors—taking the pension and controlling how people get coverage through their pensions—how that has anything to do with transportation.

The gas tax? Yes. A tax on oil? Yes.

Let's think about this. Let's step to the plate and do what is right.

I am very proud to be in concert with my friend, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the leader for her comments and her ability to build consensus around the reauthorization as she did in the committee.

This is the fifth time since 2008—I have been here since January of 2007—that we have done a temporary extension. It is an absolute embarrassment. Not only do we not get the benefit of the economic growth that would come from people knowing there is a program in place where they can enter into long-term contracts and they can buy construction equipment, in addition to that, this is a tremendous problem of absolutely being generational theft.

I will get to those comments, and I thank the Senator from Delaware for his leadership and for being here on the floor. I will be fairly brief and will yield the floor for him.

I think if every Senator were asked if they were opposed to using budget gimmicks, they would say yes. I am sure the Presiding Officer would say the same. They say the budget should not be used as an offset to pay for spending. Time and time again, Congress avoids the tough decision and instead throws our kids under the bus so we can tell people back home that the legislation was passed and paid for. I have long been against the disgraceful practice of spending money today and paying for it in the future. It is shameful, it is irresponsible, and it is generational theft. Yet here we are this week looking for a way to pass a bill that would pay for spending that is already happening by using a blatant budget scheme called pension smoothing.

Pension smoothing is one of the worst kinds of budget gimmicks. Not

only does it allow Congress to spend money today and pay through savings accrued in the future, but the gimmick actually loses money. Let me say that one more time. The gimmick actually loses money and drives our Nation deeper into debt.

Pension smoothing is Congress cooking the books. It shifts tax revenue that Treasury would collect in the future to the present. It starts losing money when the smoothing ends and continues beyond the 10-year window—combining a highway trust fund bailout that spends 10 years of revenue in 10 months. Let me say that one more time. What we are going to be voting on this week spends 10 years' worth of revenue in 10 months.

I just want to say that my friends, my Republican friends—all of us—had problems when the President was trying to pass this health care bill because he used 6 years' worth of costs and 10 years' worth of revenues, which is orders of magnitude better than what is getting ready to happen in this bill this week—again, 10 months' worth of spending, 10 years' worth of revenues.

Pension smoothing also increases the chances that taxpayers will be on the hook for the Pension Benefit Guaranty Corporation bailout sometime in the future because it weakens the corporate pension system. So here we are weakening our balance sheet and simultaneously weakening the PBGC. The PBGC deficit already exceeds $30 billion. At the expense of taxpayers and workers who rely on pension plans, this budget scheme benefits big businesses while allowing Congress to avoid real spending decisions.

I understand the conventional wisdom is that in the haste to leave town this August, enough Senators will be here to support the House bill with the pension smoothing gimmick included and not even try to do better. That is the conventional wisdom. I also understand that some will try to scare Members into voting for the House bill by claiming the House cannot pass anything except this short-term patch endorsed by the President with $11 billion in gimmicks to extend the highway funding until June. Although 367 House Members voted for this rushed package, it is the responsibility of the Senate to weigh in and offer an alternative.

As I have done in previous years, I will continue to oppose these short-term patches to the highway trust fund that allow Congress to avoid doing its job in passing a long-term, sustainable solution to reform and pay for the program. At the very least we should cut the gimmicks in this bill by $3 billion and do away with pension smoothing.

I rarely use exhibits, but this is the gimmick of all gimmicks. Look at what happens when we use it to pay for a short-term bill: We collect the money during the window that it is counted, and then from then on we are losing money. This is a double loser.

It is amazing that we could even come up with these kinds of schemes to pay for an already insolvent program, and we do it by putting our country further in debt in the future and, candidly, weakening our corporate pension system.

I am pleased there is bipartisan momentum to change this. I hope my colleagues will support the amendment Senators CARPER, BOXER, and I are offering that would reject the budget gimmicks in this bill and force Congress to stop shirking its responsibility so we can work toward passing a long-term transportation bill.

There is going to be a push by some to say that we shouldn't take up anything the rest of this year. I would think every Member of this Congress who realizes we have allowed ourselves to get into the jam we are in would want to show the responsibility of actually dealing with this this year. We have a number of Members who are retiring. Many of them spent a lot of time on issues such as this. I would like to see them have the opportunity to come up with a long-term solution. I would imagine that if we did that, the House would want to support a more fiscally conservative alternative, which is what our amendment achieves.

I hope we will all back our words with actions and reject this irresponsible pay-for once and for all and do something far more responsible.

Before I yield the floor, I want to say I really appreciate Senator CARPER's continual effort as a former Governor to try to do those things that are common sense, that are pragmatic, and that make our country stronger along the way.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before the Senator from Tennessee leaves, I wish to thank him very much for joining Senator BOXER and me in this Senate to create a dynamic that will enable us to do our job. He shows time and again the courage to keep out of step when everybody else is marching to the wrong tune. So does BARBARA BOXER. She has shown extraordinary leadership in the Environment and Public Works Committee, on which I serve. I serve as chairman of the Subcommittee on Transportation and Infrastructure. She and Senator VITTER and Senator BARRASSO, with a little help from me, were able to guide through committee and report a secure transportation bill—a plan for the transportation for our country, including roads, highways, bridges, transit systems—and report it out of committee without amendment, without a dissenting vote, and bring it to the floor of the Senate.

If it were that easy, we wouldn't all be here tonight. There is other legislation, companion legislation that came out of the commerce committee for, among other things, freight railroads, passenger railroads. They have jurisdiction over aviation as well. The banking committee has jurisdiction over transit systems. So there is a shared responsibility here, and there is a shared responsibility to figure out how to pay for all of this. How do we pay for this?

We are spending somewhere around $17 billion, $18 billion a year for the Federal share for transportation projects. That is roughly about half of what we are spending if we add in State and local monies during the course of the year. We have run out of money. We literally run out of money next month for the Federal Government to do its share.

So what do we do? Well, I will tell my colleagues what we do. We are not going to continue to put it on our credit card, and we are not going to keep turning to countries such as China and saying: How about loaning us some more money so we can replenish the general fund, which will replenish the transportation trust fund.

Why do we want to be beholden to China? I don't think we want to be in that situation.

What we need to do is summon the courage to do what people sent us to do, and that is to make tough decisions.

Senator CORKER is—I call him a recovering mayor from Chattanooga. I was the Governor for some years in Delaware. We are a bunch of former Governors and mayors here and some county executives, and we bring those experiences with us. When we are in our State or our city or our county and we are trying to plan and fund and permit contracts for roads, highways, and bridges or transit projects, it takes a long time. People are watching and wondering, why do we need a 6-year bill or why do we need predictability and certainty that the money is going to be there for these projects? It is because they take a long time. It is not uncommon to spend years planning a project.

The problem is, as the Senator from Tennessee said, five times we have done stop-and-go. I think it has actually been 11 times in the last 5 years that we have done stop-and-go funding and we haven't provided the certainty and predictability that State and local governments are begging for and that transportation authorities around the country are pleading for. The road contractors and folks who build these systems and transit systems, the folks who work on them, the labor unions—everybody is pleading with us to do our job. And what we have done—the House, God bless them, reported out a bill that was, unfortunately, a straight party-line vote. They reported out a bill that funds the transportation trust fund to allow projects to be built through May 31 of next year.

Some people say: Well, that is fine.

That is not fine. It is not 6 years, and, frankly, Senator BOXER called it kicking the can down the road. We have done that again and again—11 times over the last 5 years. There is a good chance that when we get to next

May 31, we will say: Well, it is too hard to make these tough decisions as to how we are going to pay for this stuff, and we will kick the can down the road again, providing more uncertainty, more unpredictability.

It is wasteful. It is inefficient. It is foolish. We look impotent. It is not the way for us to do business.

What Senator CORKER and I and a number of others who are going to be joining us in this cause will call for doing is pretty simple. Instead of providing $11 billion for the transportation trust fund from what I will call a bunch of different sources of revenue—some of them more equal than others but some of them pretty questionable; but in some cases we are stealing revenues over the next 10 years for stuff that has nothing to do with transportation projects and using that money to fund transportation projects for, I don't know, 7, 8, 9, 10 months instead of actually doing what we have done for years—have a user-pay system where those who use our roads, highways, and transit systems pay for them. That is what we ought to be doing. But the problem with what the House has suggested we do is we will never—maybe never—get back to providing the certainty and predictability we need. We continue to drive up costs and say to all of the folks who are ordering us to do our job: Well, we don't have the courage to do it now. Maybe we will have it next year.

I think that will be a huge mistake.

I like to think of our Nation's economy as a car at the bottom of a steep hill, and 5 years ago our Nation's economy was at the bottom of the steep hill. We could have literally dropped off a cliff. Between July 1 and December 31, 2008, we lost 2.5 million jobs. In the first 6 months of 2009 we lost 2.5 million jobs. Literally the week Barack Obama and JOE BIDEN were sworn in as President and Vice President, we had 628,000 people file for unemployment insurance. In 1 week 628,000 filed for unemployment insurance. We know that anytime that number is over 400,000 people filing for unemployment insurance in a week, we are losing jobs in the economy. And that number stayed over 600,000 for too long. But it started to drop, and it dropped down to 550,000, then 500,000, eventually 450,000, and then 400,000, and a year or so ago we got under 400,000, and that number now is about 300,000. We are adding jobs.

Some would say: Well, they are not the kinds of jobs we want or need. But some are—a lot of them. Almost any job is better than nothing. And some of these jobs are very good and pay a fair amount of money. Here is where we were.

We were that car at the bottom of a very steep hill 5 years ago and trying to climb up the hill. It was slow going. We kept going. We kept going. We have added jobs; sometimes, some months, 50,000, some months 100,000. Now we are up to over 250,000 new jobs a month. But that car—if you will, we are that car—is climbing that hill. We are making it to the top. We are at the crest of the hill. As we look at it we can say it is downhill now.

As we add more and more jobs every month, we have the option of doing two things: One, we can mash down on the accelerator, kick it into high gear, kick this economy into high gear, where it needs to go or we can start tapping on the brakes—start tapping on the brakes, slow things down, introduce uncertainty, lack of predictability. What we offer in our amendment, Senator CORKER and Senator BOXER and myself and others, is a better likelihood that we are going to be pushing down on the accelerator next year.

We are not going to just put hundreds of thousands of people to work across our country building roads, highways, bridges and transit centers, but we are actually going to make our transportation system more efficient, which in the long haul is most important, to move product, whether it is from one coast to the other, north to south or just around our States. That is the key. How do we do this in a more efficient way? How do we make our economy work better? So this works at couple of different levels.

If we say we are going to kick the can down the road into next year and we will fund these programs until May 31, I do not know what is going to give us the courage next May 31 to fund a 6-year transportation program. As Senator CORKER said, we have seven or eight people who are leaving at the end of this year. They are not running for reelection. They are retiring. They want to leave, saying: We did this on our watch. It was our job to get this done and we did. That is exactly why people send us in the first place, to make those kinds of decisions.

This is not something Democrats can do by ourselves. This is not something Republicans can do by themselves. What I am very proud of, in both committees, is that the Democrats and Republicans voted for it—the Finance Committee voted for a similar proposal, not quite a majority but a very respectable showing. We have been working and gaining support literally by the day for what we are going to do.

Senator BOXER ran through some of the folks, some of the organizations that are supporting this, a lot of State and local governments, State departments of transportation, folks who build roads, folks who run the road-building companies, folks who do the actual labor for these projects, the American Trucking Associations, AAA, you name it. There is a huge bunch of people out there who want us to do our job. They do not want us to wait until some other time. They want us to do it now. We can do that.

We are not here tonight to say this is how we are going to fund a 6-year plan. There are a lot of good ideas, and Senator BOXER ran through some of those. The idea is to create a situation where we are going to be compelled and we will actually figure out, of all those options—and there may be some other ones—how do we get this done. The idea that we continue to borrow money, to borrow money over the next 10 years—revenue streams have nothing to do with transportation, nothing to do with transportation. If we pretend that is going to fund our transportation budget for 5 or 6 months, that is just laughing stock. We look so foolish doing that. It is also highly inefficient, as I said.

I wish I could remember exactly what Mark Twain once said—maybe the Presiding Officer can help me on this later—but he once said something like this: Do the right thing. You will please your friends and amaze your enemies—something along those lines. For the record we will correct it. But please your friends and amaze or confound your enemies. Why do we not try that for a change. That would be a great way to finish this year.

I again thank Senator BOXER. I thank Senator CORKER for joining me in what I think is a noble mission. I never take anything for granted, but I think if we work it hard enough, we may surprise some people in a good way.

I see my friend from Texas—whose mother was born in Wilmington, DE, 1 of 17 children—is rising for recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

VENEZUELA

Mr. CRUZ. Mr. President, I rise to discuss the ongoing crisis in Venezuela. With so many crises happening around the globe these days, political turmoil in Venezuela has slipped from the headlines and sometimes seems easy to forget. The situation commands our attention. In Venezuela the protests against oppression go on, with 6,369 recorded rallies this year, the most in over a decade.

When Hugo Chavez's death was confirmed 15 months ago, there were hopes that his hand-picked successor Nicolas Maduro would prove more moderate and friendly to the United States. These hopes quickly proved groundless, as Maduro doubled down on his predecessor's disastrous socialist economic policies and his close partnership with Castro's Cuba, not to mention Khamenei's Iran.

Earlier this year, as Venezuela endured shortages of basic goods from baby formula to caskets, from beginning of life to end and everything in between, while an increasingly authoritarian regime trampled their constitutional rights, the people finally took to the streets to protest Maduro's corrupt and unjust rule. Demanding freedom, they marched peaceably while Maduro's Cuban-trained militia tried to incite violence.

Following the wide-ranging protests of February 12, 2014, Maduro's regime claimed that opposition leaders were

personally responsible for the violence that Maduro's regime had deliberately provoked. Six days later, the leader of the Voluntad Popular Party Leopoldo Lopez demonstrated his respect for rule of law when he voluntarily surrendered to the authorities.

He could have stayed in hiding, he could have gone into exile, but he believes it is only through taking action that change can come to Venezuela. Here is Mr. Lopez. As he surrendered to the authorities to be thrown in prison, hundreds of thousands of supporters accompanied him to the police van. Mr. Lopez has been held in the Ramo Verde military prison ever since. In early June a judge ordered him held for trial, which will begin this week.

His wife Lilian Tintori is in Washington today to draw attention to his case. She spoke powerfully at the National Press Club about how she and her children have missed their dad, have missed Leopoldo while he has been in prison, but they know their daddy is doing what he must to fight for the men and women of Venezuela.

Maduro's so-called evidence against Mr. Lopez includes the claim that he was somehow sending secret subliminal messages inciting violence, when he in fact explicitly called on his followers to protest peacefully. Let me repeat that. Mr. Lopez explicitly asked his followers to protest peacefully against the oppressive regime of Maduro. What does Maduro say? That apparently Leopoldo has the power to subliminally suggest violence when his words say, ''Don't engage in violence.''

This would be comical and absurd were it not the basis for an indictment that Maduro is seeking to lock Leopoldo up for 10 years in prison for daring to speak out against oppression. It is important to understand the trial scheduled this week is no trial in the ordinary term. There will be no jury. There will be no evidence for the defense—not for lack of trying. Mr. Lopez is denied any opportunity to refute these bogus charges about his supposed subliminal powers because Mr. Lopez's defense team asked to submit the testimony of 60 witnesses.

The trial court denied all 60, said no witnesses will be allowed for the defense. Mr. Lopez's team asked to submit 13 videos. The trial court denied all 13. Mr. Lopez's defense team asked to submit the testimony of 12 experts. The trial court denied all 12. So in this so-called trial, which is nothing but a sham, the defense will have no evidence because the trial court has already decided they will allow no evidence in support of someone speaking for freedom, someone speaking for the people. The evidence will be kept out of this show trial.

That is not an unusual path. Dictators, totalitarian regimes from Stalin to Castro throughout the ages have engaged in the same show trials that they use to brutally silence any who would dare to speak out against them. The undeniable fact is that Nicolas Maduro has no interest in justice in this case or in the nation of Venezuela.

The official charges are public incitement, property damage, and criminal conspiracy, but Mr. Lopez's real crime is quite simply the exercise of his rights provided by article 57 of the Constitution of Venezuela, which states:

> Everyone has the right to express freely his or her thoughts, ideas or opinions orally, in writing or by any other form of expression, and to use for such purpose any means of communication and diffusion, and no censorship shall be established.

That is what the Constitution of Venezuela says, but Nicolas Maduro says Leopoldo Lopez goes to prison and wants him to stay there for 10 years because he spoke out and spoke the truth. Mr. Lopez freely expressed his criticism of Maduro's failed leadership, and for that he has been unceremoniously thrown in jail and faces a sham trial that could rob his 4-year-old daughter and his 1-year-old son of having a daddy for the next 10 years.

As his wife Lilian wrote today in the Washington Post:

> No one should doubt why Leopoldo is in prison: Venezuelan President Nicolas Maduro is afraid of him, and he has great reason to be. Chavez did not deliver and Maduro has not delivered on their promises, and they have systematically dismantled our fundamental freedoms—free speech, freedom of association, freedom of the press and freedom to vote for candidates of our choosing.

The most basic foundational human rights, and for advocating for those Leopoldo Lopez is in prison.

Every American should take an interest in Mr. Lopez's fate. Not only is he a good friend to our country, having attended both Kenyon College and Harvard, he also advocates the sort of political and economic reforms that would return Venezuela to its historic place as a close partner to the United States, a development that would be of great advantage in our hemisphere.

Mr. Lopez's case also reminds us of the precious freedoms we enjoy in the United States that can all too quickly be taken away.

Article 57 should have particular resonance for us as our right to free speech is enshrined in the First Amendment of our Constitution:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

There is a reason the Framers chose this subject for the First Amendment in the Bill of Rights, because upon these rights all of our liberties are built. No freedom is more vital to true democracy than the freedom to worship God according to the dictates of our conscience and the freedom to speak as we choose without government censors, for when these freedoms are restricted citizens lose their ability to express their opposition to the government.

As Venezuela shows us, this process can take place slowly, over time, but the eventual result is that a citizen who speaks out is silenced and punished.

I have to say Leopoldo Lopez's situation is one that has resonance in my family. Fifty-seven years ago my father was in a prison in another Latin American country, the country of Cuba. My dad was 17 when he was imprisoned and tortured in a Cuban jail. Leopoldo is 43, the very same age I am today.

Leopoldo Lopez's case is, unfortunately, not an isolated case in Maduro's Venezuela. Forty-six people have been killed, thousands have been detained, and more than 100 are still in prison.

His fellow opposition leader, Maria Corina Machado, recently discovered that she too had been charged last month with incitement to violence related to the February protests. She had never been informed there was a criminal case against her and now she faces potentially 6 years in prison as well.

Maduro's actions are those of a dictator who knows he is deeply unpopular, that his policies are a dismal failure, and that to survive he has to silence the voices of those who oppose him and offer a viable alternative, who oppose him and offer freedom.

The people of Venezuela showed in February that they are ready for a change from the long slog into totalitarian socialism that was begun by Chavez and is being continued by Maduro. Now Maduro is trying to use a cloud of censorship to isolate Venezuelans from each other and from the rest of the world. We should not look the other way.

Again, from Lillian's Washington Post op-ed today:

> We need to send a message to the government that it cannot trample on the rights of its people with impunity. Accordingly, I call on President Maduro to release my husband and the more than 100 political prisoners being held in Venezuela. But my actions alone are not enough. My husband needs the support of all countries that stand for freedom.

In this, the United States should lead the way. America should speak with a clarion voice: Free Leopoldo Lopez. As the hashtag #SOSVenezuela has rocketed around the globe, it shows the power of speaking the truth: Free Leopoldo Lopez.

The United States should do everything it can to shine the bright light of truth and freedom on this repression by highlighting Leopoldo Lopez's case.

President Obama should stand and lead, demanding the freedom of Leopoldo Lopez.

Secretary Kerry should stand and lead, demanding the freedom of Leopoldo Lopez.

Every Member of this body should join in bipartisan unison demanding the freedom of Leopoldo Lopez.

We should not and cannot let this unjust persecution pass unnoticed but, rather, we should help the people of

Venezuela choose a different path, a path of freedom, a path of prosperity, and a path of friendship that will return this one-time enemy, the nation of Venezuela, to its traditional role of America's partner and friend. All of us should join in demanding and working for the freedom of Leopoldo Lopez.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

TRAGEDY IN EASTERN UKRAINE

Mr. DURBIN. Mr. President, I rise to address the horrific series of events which have occurred in Eastern Ukraine within the last week. The shooting down of a civilian Malaysian airliner and the killing of 298 innocent people is an unspeakable tragedy and one that, frankly, speaks out for us to address in terms of the responsibility.

In this situation in Eastern Ukraine there are armed thugs who are in control of the territory where this plane was shot down. They have been armed, financed, and inspired by Vladimir Putin and the Russians. That is the grim reality. All signs point to the fact that Putin, the Russians, and their supporters in Eastern Ukraine are responsible for this terrible tragedy—the loss of 298 lives.

I was in Ukraine a few weeks ago with Senator MCCAIN and others, and it was at a time when Crimea was about to fall. It was clear then the Ukrainians did not have the capacity to stop this effort by Putin to take over territory—and he did. Then that wasn't enough. He had to reach into Eastern Ukraine for even more territory, stirring up problems, creating havoc, and, sadly, bloodshed in the process.

It is bad enough the Ukrainian citizens themselves were victims, but now 298 innocent people on a civilian airliner were shot down over this territory. As I have said, the evidence points directly to Moscow and its complicity in this horrible event.

This is a photo which has been distributed showing pro-Russian separatists holding up some of the personal effects of the victims of the Malaysian airline flight that was shot down. What is happening there since the crash is also nothing short of horrific.

At this moment in time in virtually any other place in the world, save perhaps North Korea, international inspectors would be on the scene determining the cause of that plane's crash and, of equal or even greater importance, making certain the recovery effort of the victims of this crash was done by the standards of civilized nations. But the Eastern Ukrainian separatists, inspired by Putin and Moscow, have refused to allow these people in.

What we are hearing in reports is horrible. The corpses of these victims are being taken and placed in refrigerator cars on trains. Imagine the anguish of the families associated with those victims as they hear this—a loved one shot out of the sky in a civilian airliner apparently because of some folly by Eastern Ukrainian, Russian-inspired thugs and now they cannot even recover the remains of the people they love—let alone a serious objective investigation about the cause of that crash.

It is hard to imagine that Vladimir Putin could let it reach this point and harder still to imagine that he doesn't own up to his responsibility. It is horrifying that we have reached this point where this terribly tragic scene goes from bad to worse as Putin's thugs go through the personal effects of the people who were shot down.

There is a list of those who were lost. I know the Presiding Officer from the State of Indiana has a particular attachment to one of the victims—this one—Karlijn Keijzer, a student at Indiana University. This was well publicized in the Midwest—that we lost this beautiful woman, a victim of this tragic crash.

There were more—297 more—who died. They included Quinn Lucas Schansman, a 19-year-old U.S.-Dutch citizen who was born in the United States but whose family moved back to the Netherlands when he was young. He was on his way to visit his grandfather in Indonesia.

This is Joep Lange, a renowned Dutch AIDS researcher traveling with his partner to the International AIDS conference in Australia.

I mentioned Karlijn Keijzer, doctoral student at Indiana University in Bloomington. She was going on vacation with her boyfriend when this plane was shot down.

Sister Philomene Tiernan was a 77-year-old Roman Catholic nun who was returning to her school in Australia where she had taught thousands of students over her 30-year vocation.

Andrei Anghel, 24, was a Canadian medical student going on vacation with his girlfriend.

Sri Siti Amirah, an 83-year-old, was step-grandmother of Malaysia's prime minister. She was heading to Indonesia to celebrate the end of Ramadan.

Shazana Salleh, 31 years old, was a flight attendant on the plane. Her father told the media this was her dream, to be a flight attendant.

And this heartbreaking photo is of Shuba Jaya, 38 years old, Paul Goes, and their 1-year-old daughter Kaela. Shuba was a Malaysian actress, her husband a Dutch businessman. They were returning to Malaysia from Holland after showing their daughter to her husband's parents.

These victims of Mr. Putin's recklessness and their grieving families deserve more than the tragic and revolting actions occurring now in Eastern Ukraine. The Russian people—not the leadership but the people of Russia—deserve better.

The Russian people have a proud history of accomplishment in so many different fields. But President Putin has created a climate of fear in his country, where those who dissent to his policies will be punished. His use of Soviet-style propaganda and intimidation, shutting down of independent media and voices, and his strong-arming of other peaceful nations are, sadly, an insult to the great achievements and legacy of the Russian people.

I hope Mr. Putin still sees the importance of being a responsible world leader. There is little evidence of it in recent weeks. He can start almost immediately by calling off his shameful proxies who are so disrespecting the victims and their families at this crash site—the site for which he is most certainly responsible.

My thoughts and prayers go out to the families of the victims.

To our Dutch friends who suffered such an overwhelming loss of life in this crash, I express my deepest condolences. And to the people of Ukraine, the Baltics, Poland, and everywhere else facing Russian bullying, we stand with you in your desire for democracy and peaceful relations with the West and Russia.

Earlier this evening we considered three nominations and two passed by voice vote. One of those passed by voice vote was Michael Lawson of California for the rank of Ambassador during his tenure of service as representative of the United States of America on the Council of the International Civil Aviation Organization.

The reason I bring that to the attention of the Senate is he was nominated last September and reported out of the Foreign Relations Committee in May. Mr. Lawson has been sitting on the calendar. There was no objection to him. No one had any objection to him, but he was sitting on the calendar because of objection on the Republican side of the aisle. Why was his name called today? Because of this tragedy—because this tragedy pointed out the fact that the United States would not have its representative before this important organization which investigates these airline crashes.

It has reached a point where almost 30 Ambassadors to organizations and nations are being held up on the floor of the Senate over and over until something happens—an upheaval, a tragedy—and then they are brought for a vote.

The United States of America is a better nation than that. We shouldn't be holding up in the Senate these fine men and women who are willing to serve our Nation. I urge my colleagues to reconsider this approach. Let us release these ambassadorial appointments by President Obama. For those that are controversial, so be it; let's hold them. But the vast majority of these are not controversial. Let's give them a chance to serve our Nation.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

INNOVATIVE MOVIEMAKING

Mr. LEAHY. Mr. President, during the past few years, Marcelle and I have come to know Christopher Nolan and his wife Emma Thomas, both of whom are extraordinarily talented and have made breakthrough movies.

One of the things that we have enjoyed talking about with both of them is the concept of what movies can be as real entertainment, and that movie theaters provide an audience an experience they would not have otherwise. Recently, Chris wrote an op-ed in the Wall Street Journal explaining just how movie theaters will survive. That was music to my ears, as I too want them to survive. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRISTOPHER NOLAN: FILMS OF THE FUTURE WILL STILL DRAW PEOPLE TO THEATERS

When Movies Can Look or Sound Like Anything, Says the 'Dark Knight' Director, Extraordinary Work Will Emerge.

In the '90s, newly accessible video technology gave adventurous filmmakers (such as Lars von Trier and his colleagues in the filmmaking movement Dogme 95) an unprecedented wedge for questioning the form of motion pictures. The resulting 20-year process of radical technical and aesthetic change has now been co-opted by the very establishment it sought to challenge.

Hungry for savings, studios are ditching film prints (under $600 each), while already bridling at the mere $80 per screen for digital drives. They want satellite distribution up and running within 10 years. Quentin Tarantino's recent observation that digital projection is the ''death of cinema'' identifies this fork in the road: For a century, movies have been defined by the physical medium (even Dogme 95 insisted on 35mm film as the presentation format).

Savings will be trivial. The real prize the corporations see is the flexibility of a nonphysical medium.

MOVIES AS CONTENT

As streams of data, movies would be thrown in with other endeavors under the reductive term ''content,'' jargon that pretends to elevate the creative, but actually trivializes differences of form that have been important to creators and audiences alike. ''Content'' can be ported across phones, watches, gas-station pumps or any other screen, and the idea would be that movie theaters should acknowledge their place as just another of these ''platforms,'' albeit with bigger screens and cupholders.

This is a future in which the theater becomes what Tarantino pinpointed as ''television in public.'' The channel-changing part is key. The distributor or theater owner (depending on the vital question of who controls the remote) would be able to change the content being played, instantly. A movie's Friday matinees would determine whether it even gets an evening screening, or whether the projector switches back to last week's blockbuster. This process could even be automated based on ticket sales in the interests of ''fairness.''

Instant reactivity always favors the familiar. New approaches need time to gather support from audiences. Smaller, more unusual films would be shut out. Innovation would shift entirely to home-based entertainment, with the remaining theaters serving exclusively as gathering places for fan-based or branded-event titles.

This bleak future is the direction the industry is pointed in, but even if it arrives it will not last. Once movies can no longer be defined by technology, you unmask powerful fundamentals—the timelessness, the otherworldliness, the shared experience of these narratives. We moan about intrusive moviegoers, but most of us feel a pang of disappointment when we find ourselves in an empty theater.

The audience experience is distinct from home entertainment, but not so much that people seek it out for its own sake. The experience must distinguish itself in other ways. And it will. The public will lay down their money to those studios, theaters and filmmakers who value the theatrical experience and create a new distinction from home entertainment that will enthrall—just as movies fought back with widescreen and multitrack sound when television first nipped at its heels.

These developments will require innovation, experimentation and expense, not cost-cutting exercises disguised as digital ''upgrades'' or gimmickry aimed at justifying variable ticket pricing. The theatrical window is to the movie business what live concerts are to the music business—and no one goes to a concert to be played an MP3 on a bare stage.

BACK TO THE FUTURE

The theaters of the future will be bigger and more beautiful than ever before. They will employ expensive presentation formats that cannot be accessed or reproduced in the home (such as, ironically, film prints). And they will still enjoy exclusivity, as studios relearn the tremendous economic value of the staggered release of their products.

The projects that most obviously lend themselves to such distinctions are spectacles. But if history is any guide, all genres, all budgets will follow. Because the cinema of the future will depend not just on grander presentation, but on the emergence of filmmakers inventive enough to command the focused attention of a crowd for hours.

These new voices will emerge just as we despair that there is nothing left to be discovered. As in the early '90s, when years of bad multiplexing had soured the public on movies, and a young director named Quentin Tarantino ripped through theaters with a profound sense of cinema's past and an instinct for reclaiming cinema's rightful place at the head of popular culture.

Never before has a system so willingly embraced the radical teardown of its own formal standards. But no standards means no rules. Whether photochemical or video-based, a film can now look or sound like anything.

It's unthinkable that extraordinary new work won't emerge from such an open structure. That's the part I can't wait for.

REMEMBERING CHARLEY GREENE DIXON, JR.

Mr. MCCONNELL. Mr. President, I am saddened to report to my Senate colleagues the passing of a fellow Kentuckian, Mr. Charley Greene Dixon, Jr., who lost his battle with cancer on June 23 of this year. Charley was a consummate public servant who spent his life working to better his community. Knox County, and the entirety of the Commonwealth of Kentucky, is poorer for his loss.

The overriding ambition in Charley's life was to help others. His wife Marcia Dixon said, ''He believed that if he could make one life better he was a success.'' This is a bar for success that Charley cleared time and time again.

Born in Barbourville on November 19, 1964, Charley lived in Kentucky his whole life, mostly in his hometown in Knox County. He attended Union College in Barbourville and earned his juris doctorate from Northern Kentucky's Salmon P. Chase College of Law.

Charley started his career working as the Barbourville city attorney, later becoming the Knox County school board and Barbourville city school board attorney.

His most recent position was of Knox County attorney, one that he had held since 2003. In that capacity he played a leading role in creating juvenile, family and adult drug courts in Knox County. Through these courts, Charley helped countless individuals reclaim their lives from the clutches of drug addiction.

Outside of his official duties, Charley continued to work tirelessly to better Knox County. He chaired the Knox County UNITE Coalition an organization that combated illicit drug use through education, law enforcement, and rehabilitation. As chairman he spearheaded events, such as ''Hooked on Fishing Not on Drugs,'' where kids and their families could enjoy themselves in a drug-free environment.

For his selfless work in the community, Charley was named the 2013 Man of the Year by the Knox County Chamber of Commerce a fitting award for a man who helped so many.

Charley is survived by his wife Marcia, his daughter Callie Ann, and his son Charleston Arthur. Knox County was undoubtedly bettered by his life's work, and he will be sorely missed by all who loved and knew him.

I ask that my U.S. Senate colleagues join me in honoring the life of Charley Greene Dixon, Jr.

The Mountain Advocate recently published an article chronicling Dixon's life. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Mountain Advocate, June 26, 2014]

''HOMETOWN HERO'' LOSES BATTLE WITH CANCER

(By Melissa Newman)

John Ray Gray sat quietly in the waiting area at the Knox County Attorney's Office Monday morning. He wasn't there because he needed help—at least not this time.