

done; that is, to make sure women who work in this country have the ability to get access to birth control pills through their insurance. That is as simple as it gets. Twenty-eight States do it. I never heard a word out of them—never. And eight of those States had no exception when President Obama made an exception for 335,000 churches.

So let's not stand here and talk about the overreach of the Federal Government and the rest of it. The fact is our States have been doing this for years. More than 50 percent of women in this Nation have the ability to get contraception. It is about health. It is the Institute of Medicine that said it is critical. It will cut down on tens of thousands of abortions when families plan their families.

So as long as our colleagues on the other side want to make women a political football in this country, there are many of us here, women and men alike, who are going to stand sentry and say: You can't do this to the women of this Nation.

This is the 21st century, and we are arguing about birth control instead of how to get out of this economic malaise when we are finally seeing light at the end of the tunnel? Oh, no. I am hoping we go to a highway bill this afternoon, but we have to now have this diversion about an issue that was resolved, frankly, in the 1950s and in the 1960s.

So I thank my colleague for this opportunity. Senator BARRASSO has a right to a second opinion, but I think his opinion is off the mark.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the comments of the Senator from California. She is on the floor today with Senator INHOFE—unlikely peas in a pod, one pretty liberal, one pretty conservative, very different views—to talk about job creation, infrastructure, building highways and bridges and public transit, and job creation. As so often is the case, people on the other side want to change the subject.

In my State, the elections 1½, 2 years ago were all about lost jobs, about lost manufacturing jobs that, frankly, accelerated during the Bush years, and we finally turned that manufacturing job loss around. We have seen 20 straight months of job increases in manufacturing.

But the legislature in Columbus, my State capital, and the Governor, what are they doing? They are not fighting for job creation. They are going after workers' rights and women's rights—the heartbeat bill, pretty extreme—instead of focusing on job creation.

That is what I came to discuss on the Senate floor today too—not specifically on this bill but another infrastructure bill, which I will get to in a moment.

The comment I heard from Senator BARRASSO, only from the end of his dis-

cussion, was that he wants to repeal the health care law. How do they tell a 23-year-old who now is on her mother's insurance, who is without a job and doesn't have insurance, that she is going to lose her insurance she has through her mother's insurance? How are they going to explain it to the family who has a child with a preexisting condition who now can get insurance when the insurance company denied it before? How are they going to explain it to the Medicare retiree, the 72-year-old woman on Medicare who now has no copay, no deductible, free screenings for osteoporosis, or the man who gets prostate screenings—how are they going to explain that? They want to repeal that.

How are they going to explain the fact that they want to repeal stopping one of the most insidious insurance company practices, which is that if people get too sick and they are too expensive, insurance companies just cut them off? They want to repeal that prohibition. I guess it is because they want to do the insurance companies' bidding over and over. That is a big part of their game.

It just breaks my heart when I see the progress we have made for the millions of Americans who now will have health insurance. I know the Senator and my colleagues, everybody in this body has good health insurance. People in this body are generally pretty affluent. They have good government insurance. But they don't want millions of men and women in our country—people who have lost jobs, people who are working without insurance—they don't want them to have insurance, all for some political gain of repealing ObamaCare. It is too bad.

Madam President, now I wish to focus on job creation. I wish to make some remarks on legislation I introduced today that is not directly Senator BOXER's and Senator INHOFE's highway bill, but it is about water and sewer systems and infrastructure.

#### WATER INFRASTRUCTURE IMPROVEMENTS

Mr. BROWN of Ohio. Mr. President, earlier today I was on a call with Tony Parrott, executive director of the Metropolitan Sewer District of Greater Cincinnati. We talked about how communities in Ohio are struggling to afford the necessary upgrades to improve sewer systems. In parts of the State with something called combined sewer systems, every time there are heavy rains waste and storm water overflows, the sewers overflow, and the water is dumped into our rivers and creeks and lakes.

The Environmental Protection Agency estimates that 800 billion gallons of untreated wastewater and storm water from these combined sewage overflows, these combined sewer systems, are released into our rivers, lakes, and streams each year. It poses a threat to public health and the environment, and

it undermines the competitiveness of our businesses. So not only do building these water and sewer systems and upgrades create jobs, but we also know if we don't, local businesses aren't going to expand. If they are not certain they are going to have good, clean water available at a decent and reasonable cost, they are not going to expand their businesses, especially if it is manufacturing.

The cost of addressing these combined sewage overflow systems in Ohio is some \$6 billion according to the EPA, \$1 billion in northeast Ohio, and \$2 billion in the Cincinnati area.

So that is why today, because there are 81 Ohio communities requiring water infrastructure improvements, I am reintroducing the Clean Water Affordability Act. In previous Congresses I introduced this legislation with our Republican colleague from Ohio, Senator Voinovich. This bill will protect ratepayers, lead to cleaner water, and promote economic development. It would invest \$1.8 billion to be distributed over the next 5 years through a grant program for financially distressed communities administered by EPA Administrator Jackson. I have spoken to her conveying the concern of Ohio's CSO communities. The program provides a 75/25 cost share, similar to what we have done on highway issues in the past: 75 percent Federal Government cost, 25 percent local government cost.

It is estimated that every \$1 billion invested in infrastructure, similar to the highway bill that Senators INHOFE and BOXER are working on, will create—that for every \$1 billion invested, upwards of 20,000 jobs would be created.

It will promote green infrastructure. Cities such as Bucyrus or Steubenville should be encouraged to use green infrastructure if it costs less than traditional construction and produces the same environmental benefits.

I will continue to work with mayors such as Dave Berger of Lima and Bob Armstrong of Defiance, county commissioners, and others such as Tony Parrot, who explained to me how years of reduced infrastructure investments have eroded their water and sewer systems.

When we were kids in the 1950s and 1960s and 1970s and into the 1980s, the U.S. infrastructure was the envy of the world. Whether it was the interstate system, whether it was the Federal, State, local partnerships on water and sewer systems, whether it was the building of community colleges and the beginnings of technology and wiring for our telecommunications systems in the 1950s and 1960s, we were the envy of the world.

Today, because so many in this government think we need to cut spending at all costs on everything, we simply have not kept up with the infrastructure. That is why countries such as China that are investing so much money in infrastructure—we run the

risk of them passing us by in manufacturing and all the things we care about that build a solid middle class.

This legislation is an economic development imperative. This legislation is an imperative for citizens of our country—having clean drinking water, safe drinking water, predictable access to water at a reasonable cost. It is important for our families. It is important for our communities. It is important for business development. It is important for a strong middle-class manufacturing country, which we still are.

I ask my colleagues to support this important legislation I am introducing today.

Mr. BROWN of Ohio. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to let us proceed on the reauthorization of the surface transportation act, S. 1813. This is a critically important bill, and I am proud to be on two committees that have had jurisdiction over this bill. One is the Environment and Public Works Committee, where Senator BOXER and Senator INHOFE have worked together to bring out a bill that received the unanimous support of our committee. I also serve on the Senate Finance Committee, where Senator BAUCUS and Senator HATCH have worked together so we have the sufficient revenues in order to be able to finance the reauthorization bill during its 2-year reauthorization.

This bill is so important to our country. First, it gives predictability to our State and local governments. It gives predictability to the highway engineers. It gives predictability to contractors to know the funding will be there in order to advance our transportation programs. When we do these short-term extensions, it really does cause significant problems for planners. If you are trying to plan a transportation project, you need to know the funding is going to be there for more than just a few months. You need to have some degree of predictability. This legislation will allow us to give that predictability to those who are involved in the decisionmaking. It has been 2009 since we last reauthorized the surface transportation act. It is time for us to act.

This bill will also help us as far as American competitiveness is concerned. We need to have modern transportation infrastructure, whether it is our highways, our bridges, or our transit systems. We need to make sure we can meet the challenges to today's society.

I could talk about just in this region our needs in the transit area. We have

one of the most congested communities in the Nation in Washington, DC. Many of my constituents who live in Maryland go to work every day in Washington, DC, working for the Federal Government, using the mass transit system. That system is aged and needs attention. We need to provide the financing nexus in this area in order to be as competitive as we can with transportation options for the people of this country.

This bill is important for jobs. You hear that over and over. In Maryland, the passage of this bill will preserve or expand 10,000 jobs for its people. I expect the Acting President pro tempore would have similar numbers in New Mexico. It is important in every State in this Nation.

It is also important for safety. I will give you one number in Maryland that really has me concerned. There are 359 bridges in the State of Maryland that have been rated structurally deficient and 4.6 million motorists travel over those bridges every day. The State of Maryland is taking steps to make sure the motorists are safe, but we need to fix those bridges in a more permanent way. The longer we wait, the more it costs. Deferred maintenance means we are not doing what we should to protect the future needs of our communities. This legislation puts a heavy priority on maintaining our transportation infrastructure so it is safe and we can move forward into the future.

The legislation is balanced between transit and highway. I know that in certain regions of this country, highways are the principal means of transportation, and their interest in transit is not quite as great as it is if you represent the people of New York or you represent the people of Maryland or you represent the people in an urban center where public transit becomes a very important part of our transportation needs. This legislation is balanced to take care of the needs of our highways and the needs of our transit systems. I think it is a credit to that balance that in the Environment and Public Works Committee and in the Banking Committee—the two committees that have principal jurisdiction over the highway program and over the transit program—we had unanimous support on bringing this bill forward. That is how we should be proceeding to consider legislation. We have that type of bipartisan cooperation because this bill is properly balanced.

Let me also point out that we have received hundreds of letters from organizations that support the passage of the surface transportation reauthorization act. We have the U.S. Chamber of Commerce, we have the AFL-CIO, we have businesses, we have labor groups, we have local communities, we have national groups.

This bill has been put together in a way where we can get it done this year, and it would be very important for the people of this country and for our economy.

Let me talk a little bit about my State of Maryland and the Maryland department of transportation. They have given us a list of projects that will move forward if we can get this bill reauthorized, from the beltway around Baltimore, to critical roads in Montgomery and Prince George's Counties, to our rural areas. I could share some of those specific examples. But this will affect the ability of Maryland to move forward with critical roads and transit needs, and we need to get that done.

I want to talk a little bit about some of the specific issues that are in the bill that I want to highlight.

The Appalachian Development Highway System is one for which we have put a separate provision historically in the code because we recognize that in bringing economic opportunity to that part of our Nation, which includes West Virginia, Maryland, and Pennsylvania—and it also includes some of our Southern States that are in the Appalachia highway region—it is tough to get jobs there. I was just recently in the most western part of Maryland up in Garrett County, and I can tell you it is difficult to get companies to move into that region. One of the problems is that you have to go over the mountains. It is not easy to get over the mountains.

We have a real opportunity around Cumberland, MD, to be able to expand dramatically the economic opportunities and jobs by completing the north-south highway that goes through Pennsylvania, Maryland, and West Virginia. Now there is reason to celebrate that in this bill that can become a reality. There is an amendment I had offered that is included in this legislation that provides the toll credits so we can advance this project. It was a major issue needed, particularly in the Pennsylvania part of this north-south highway.

So we do have reason to celebrate that in this legislation we have a way of completing the Appalachian Development Highway System in my part of the country.

Senator ROCKEFELLER has been working very closely on this issue, and I really applaud his leadership. We are going to be looking to see whether we might be able to strengthen it more, through amendments to this bill, to make sure these projects get the priority to which they are entitled.

For the sake of flexibility, we have combined many of the specific programs into more general programs. That is part of the balance in this legislation—to give greater flexibility to local governments. That is important. But we also want to make sure the national priorities receive the attention they need, and the Appalachian Development Highway System is a national priority. We want to make sure that is, in fact, done.

I wear another hat as chair of the Water and Wildlife Subcommittee on the Environment and Public Works Committee, and I want to do everything we can to make sure the Federal

Government, as a partner in developing highways and roads and transit systems, does what is important for clean water in our communities. A large part of the pollutants that enter into our waters comes from storm runoff. In the Chesapeake Bay region, the largest growth source of pollutants going into the Chesapeake Bay comes from storm runoff. Well, highway construction can help or hurt storm runoff. If you do it the right way, you actually can help keep pollutants out of our streams and rivers and bays. So I am hopeful that during the discussion of this bill on the floor of the Senate, we will look for ways we can make this bill helpful in the best practices being used in order to deal with storm runoff, as we deal with major transportation programs in this country.

One of the programs I have spent a lot of time on is the Transportation Enhancement Program, the TE Program. That has been used by local governments to do what is critically important to our communities. I could talk about bicycle paths. I could talk about paths that have connected communities, which has allowed us to take cars off the roads. This is a small amount of money, but it becomes very important for getting motorists off the roads. We have the use of the Transportation Enhancement Program so it is safe for motorists who want to pull off to the side of the road to see the vistas. We have used funds for that. That is a safety issue.

So transportation enhancements are important programs. We want to make sure the flexibility and funding opportunities remain. Chairman BOXER has been very careful to work out an arrangement so we can advance that, and I thank her for it. I have been working with Senator COCHRAN, and we are hoping to offer an amendment that will make it clear we need to work with the local governments as we look at how the transportation enhancement funds are being used.

Let me tell you about another opportunity I think we could have in the consideration of this bill, and that deals with our veterans.

There is a way we could use the training veterans receive while in military service to help when they come back here as far as truckdrivers are concerned. We are looking for an amendment in regard to that area where we could advance that issue.

There are many areas in this bill that we think are extremely important to advance our needs. It is a bipartisan bill. We have to get this done.

I know Senator BOXER is on the floor. Once again, I compliment her for her patience and leadership in working through each of these issues.

We are looking forward to a robust debate on the floor of the Senate. I hope Members who have amendments will allow us to proceed. Let's take a look at amendments, but let's proceed in the spirit in which the Environment and Public Works Committee, the

Banking Committee, and the Finance Committee reported the bills to the Senate; that is, listen to each other, do not lose sight of the prize of getting this bill done, and be willing to compromise so that we can maintain the type of bipartisan cooperation we need in order to get this bill enacted. If we do that, we will be doing something so important to our country.

This bill will create jobs. This bill will help our economic recovery. This bill will help our future. I am proud to be part of the group that has brought this bill forward to the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I rise this afternoon to speak in favor of moving ahead for progress in the 21st century, something that most Americans—almost all Americans—have to be in favor of, and if a lot of them knew about this legislation, I think they would be in favor of it too.

It has been 862 days since SAFETEA-LU expired—862 days. That legislation was written in 2003, passed this body and signed into law in 2005. We have extended that legislation, SAFETEA-LU, eight times since it expired in 2009, brought it back from the dead eight times.

John Chambers, who is the CEO of a big technology company called CISCO, likes to say that the key to global economic competitiveness is having the best workforce and the best infrastructure in the world. He has said that is where the jobs will go in the 21st century—best workforce, best infrastructure, you will get the jobs. We must continue to modernize—in the spirit of those words—modernize and maintain our infrastructure if it is to remain the best.

I wish to start today by congratulating Senators BOXER and INHOFE for pulling together—and their staffs and subcommittee staffs as well—I wish to start by congratulating them for pulling together a bipartisan Transportation bill that begins to address America's infrastructure needs. This comes on the heels of our passing earlier this week a conference report, a compromise on the FAA reauthorization to bring the air traffic control system of our country into the 21st century and to also begin rebuilding and improving our airports as well. This is a pretty good one-two punch in the period of 1 week.

This legislation before us today makes key reforms to our Federal transportation policy that will help make the best use of our taxpayers'

dollars. The legislation sets clear national goals for transportation investment. We do not just throw money at these problems; we actually strive to achieve a number of specific goals. And this bill asks State transportation departments to do their part to achieve those national goals. It accomplishes this by implementing new performance measures that will help to hold States accountable for the outcomes of the investments we are prepared to make. This will ensure that we are building the most effective multimodal transportation network we can by putting our dollars to the most productive use.

Passing this legislation is critically important to America's economic health at home and our competitiveness abroad. We have heard that here today, and we will hear it for the next several days. This legislation, if adopted and signed into law, will create or save several millions of jobs, in a day when we need every job we can save or create, in States such as New Mexico, States such as Delaware, and 48 other States as well.

In my State of Delaware, for example, we are planning significant new transportation investments. We already have a bunch of them underway, but new ones will contribute to our State's productivity. Some of those will help to relieve the congestion along important corridors such as I-95. We have already done some good work in putting in highway-speed E-ZPass on I-95 through the toll plaza to expedite and move the flow of traffic. We are now working on a big intersection where I-95 intersects with State Route 1, a major north-south highway. That has been a big bottleneck for years. We have some good work going on with that. We want to be able to finish that. Other improvements will allow shippers to move freight more quickly and reliably down roads such as Route 301, which comes up through Maryland and the Delmarva Peninsula into Delaware on its way to I-95.

Each of my colleagues could no doubt talk about similar efforts in their State. Each of these projects is part of our national transportation system. Taken together, the system is greater than the sum of its parts. Having a world-class transportation system has helped to make America what it is today. This bill will ensure that we have a transportation system that allows America to return to prosperity and to grow that prosperity.

I am looking forward to debating this bill on the Senate floor. I appreciate the time to get started on that here today. As a Senator and as a recovering Governor, I know that everything I can do I can do better, and as good as this legislation is I think there is always room for improvement.

I have never introduced a perfect bill. My friend who is presiding over the Senate may have, but I am not sure. As good as this legislation is, there is room for improvement.

I plan to bring forward a couple amendments that I think will improve

the bill. We talked about a few in the markup in the full committee. For example, I believe we need to do more on the issue of traffic congestion. I go back and forth on the train about every day and night, and in the morning I see traffic lined up for miles, trying to get from north to south and parallel to the Northeast corridor of Amtrak, as we zip along. This city is recognized as maybe the most congested city in America.

In 2010 I am told that drivers in the United States in the more urban and suburban areas wasted some 1.9 billion gallons of fuel due to traffic congestion. That is almost 2 billion gallons of fuel. Congestion is a major challenge in larger U.S. cities and increasingly even in smaller cities and towns too.

The burden and the cost of traffic congestion is felt by both travelers and freight shippers, diminishing our quality of life and costing us money. According to the Texas Transportation Institute—they come up with this study that is announced every year—the average commuter across the country spent 34 hours sitting in traffic—not moving at 40, 30, 20, or 10 miles an hour but sitting in traffic. That is up from 14 hours in 1982. This burden lowers productivity and results in wasted fuel and cost Americans more than \$100 billion in 2010, or nearly \$750 wasted for every commuter. Traffic congestion is also increasingly hurting the reliability of the transportation system, which is particularly important to freight shippers, where the value each minute can be as much as \$5. It is about \$300 an hour. As America's economy continues to recover, we must make sure that traffic is not a drag on job growth. According to that same Texas Transportation Institute, by 2015—3 years from now—the cost of gridlock will rise from \$101 billion to something like \$133 billion.

That is the bad news. There is good news too. Fortunately, we have new tools to address congestion. For example, better management of accidents, improved timing of traffic signals, real-time traveler information, and managed toll lanes—and I will talk more about that next week—all provide low-cost congestion benefits. These are just a few of the strategies that have been helping passengers and freight shippers to better anticipate, avoid, and manage the impact of congestion. They are smart and are being successfully used on a smaller scale. They are ideas we want to replicate in cities and counties and States across the country. I will offer an amendment that would, in the States with the worst congestion, target funding for these cost-effective congestion-relief strategies. My amendment will help to give Americans some of their time and money back. It will help shippers grow their businesses too. I hope my colleagues will support it.

Second, I believe that anything worth having is worth paying for. If we will not raise user fees at the Federal

level, we should at least stop prohibiting States from doing so if that makes sense. I will offer an amendment to give States more flexibility to use tolls and user fees on their roadways. An increasing number of States are looking at tolls and user fees as a source of funding, and the Federal Government should not stand in their way.

We have used tolls as a source of revenue in Delaware for years, and it has helped us to maintain and improve the critical I-95 corridor and to provide a north-south corridor that stretches from the northern part of the State past Dover, past Dover Air Force Base and the central part of Dover.

Toll revenue is also often a critical part of forming public-private partnerships, which I know many of my colleagues support. I hope my colleagues will join me in supporting this amendment.

In closing, Congress needs to act on transportation legislation. The rest of the country is counting on us. The infrastructure of our country gets graded on an annual basis by, among others, the engineers of our Nation. They look at transportation more broadly than just highways and bridges. And it is not just railroads, bridges, and ports, they look at all of it. Last year, the grade they gave us was a D. That is not as in "delightful," and that is not as in "distinguished"—that is maybe more in the area of "derelict." We can do a whole lot better.

We have taken action this week with respect to our air traffic control systems. We have taken a step toward beginning to rebuild and improve our airports. The legislation will let us, in the next 24 months, make our roads, highways, and bridges safer, less congested, and something we can treasure as a real asset.

Lastly—and I have said this before and it bears repeating—the major job of government—not the only but a major job of government—is to provide a nurturing environment for job creation and job preservation. It is not the only job of government, but it is a big job of government. A big part of creating that environment for job creation and preservation is a road, highway, and bridge infrastructure that we can all be proud of in the 21st century. This legislation will help us go in that direction. It is important to follow on the heels of this legislation and not just waste 2 years but build on it to do smarter things in the years to come.

That having been said, while the chairman is here, I thank her for her leadership. People say: Why can't Congress get anything done? I think the way Senator BOXER and Senator INHOFE have worked together on this legislation, with the staffs, is a great model for the rest of us. We thank them for their leadership.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Delaware because he

and the occupant of the chair are very important members of this great committee, the Environment and Public Works Committee. As one of our most senior Members, he has taken a tremendous interest in everything we do. I look to his leadership on a number of issues, including controlling mercury, which is dear to his heart and mine. He is a leader on nuclear plant safety and has been extremely helpful. I thank him for the good role he plays on that committee.

We will have a number of amendments. It is going to be delicate with the amendment process. That is fine. I encourage everybody, if they have an amendment, to go for it. But we have an agreement that the leadership on the committee—we are either all going to go for an amendment or not. We don't want to stymie this.

I appreciate the Senator alerting us that he is going to offer those two amendments. I urge the Senator to get them to us so we can share them with Senator INHOFE.

We have received another letter of support, which I am proud to put in the RECORD. I ask unanimous consent to have it printed in the RECORD.

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

FEBRUARY 9, 2012.

DEAR SENATOR: The twenty nine national associations and construction trade unions that comprise the Transportation Construction Coalition (TCC) strongly urge all members of the Senate to vote for the motion to proceed on S. 1813, the "MAP-21" surface transportation reauthorization proposal. This legislation would provide critical investments and policy reforms needed to improve the nation's highway and bridge network.

The federal highway and public transportation programs have been operating under a series of temporary extensions for more than two years. MAP-21 would end that dysfunctional cycle and restore stability to the federal surface transportation programs. In a very challenging budgetary environment, the legislation would authorize current (inflation-adjusted) levels of highway and public transportation investment. Furthermore, the Senate Finance Committee has developed a bipartisan plan to assure these investments do not add to the federal deficit.

The TCC has long supported reforming the federal highway and public transportation programs to focus on national goals and deliver transportation benefits faster and at lower cost. Specifically, we support steps to accelerate the transportation project environmental review and approval process through the use of deadlines, flexibility for state departments of transportation, expedited reviews for projects with no significant impact, and greater authority for the U.S. Department of Transportation with other federal agencies. The TCC also supports efforts to increase the involvement of the private sector resources to help meet the nation's transportation challenges.

We commend all senators involved in developing a comprehensive, bipartisan reauthorization proposal that would continue the strong tradition of federal leadership in the area of transportation policy. We urge all members of the Senate to vote to move the

surface transportation reauthorization process forward by supporting the motion to proceed on S. 1813.

Sincerely,

TRANSPORTATION CONSTRUCTION COALITION.

Mrs. BOXER. It is from the Transportation Construction Coalition. They are urging all of us for an "aye" vote on the motion to proceed to the Transportation bill. They have said wonderful things about our bill—that they like the steps we have taken to accelerate all the reviews and flexibility for the States, greater authority for our States, and the fact that we did this in a comprehensive way and in a bipartisan way. I am very grateful.

What I would like to do is read the names of these organizations because it shows you the depth in America of the support for this bill: The American Road and Transportation Builders; Associated General Contractors; the American Coal Ash Association; the American Concrete Pavement Association; the American Concrete Pipe Association; the American Council of Engineering Companies; the American Subcontractors Association; American Iron and Steel Institute; American Society of Civil Engineers; American Traffic Safety Services Association; the Asphalt Emulsion Manufacturers Association; Asphalt Recycling and Reclaiming Association; Associated Equipment Distributors; Association of Equipment Manufacturers; Concrete Reinforcing Steel Institute; International Slurry Surfacing Association; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; International Union of Operating Engineers; Laborers-Employers Cooperation and Education Trust; Laborers' International Union of North America; National Asphalt Pavement Association; National Association of Surety Bond Producers; National Ready Mixed Concrete Association; National Stone, Sand & Gravel Association; National Utility Contractors Association; Portland Cement Association; Precast/Prestressed Concrete Institute; the Road Information Program; and the United Brotherhood of Carpenters and Joiners of America.

The reason I read these 29 organizations—there are 1,000 organizations behind our bill—I want colleagues to understand how people have come together from all sides of the aisle—union workers, nonunion workers, the businesses and union businesses. Everybody has come together—Democrats, Republicans, and Independents—on our committee. The reason is that we are coming out of a very tough and deep recession where housing was hurt deeply, and we are having a very tough time coming out of the housing recession. Construction workers have a 15-percent or more unemployment rate, compared to an 8.3-percent unemployment rate in the rest of the workforce. If you put them into Super Bowl stadiums, they would fill 15 Super Bowl stadiums. Imagine that.

We have an obligation to come together on behalf of jobs and the aging

infrastructure that needs to be fixed. We have bridges collapsing and roads that are not up to par. We have problems in this Nation, and we can stop them and solve them only if we come together.

I will end here because my colleague would like the floor, and that is fine. I think we will have an opportunity at around the 2:15 hour or so to come together united and give a great vote of confidence to this bill, to move it ahead with an overwhelming vote. Maybe I am dreaming, but I hope for well over 60 votes to go forward. Then let's get to the amendment process and let's not offer extraneous amendments that have to do with everything but transportation. Let's keep this focused. Then we can get to conference and get a bill to the President.

In closing, if our bill is the law of the land, we would save 1.8 million jobs and be able to create up to another million jobs. There is a lot riding on this bill. I hope we will come together this afternoon.

Thank you for your indulgence.  
I yield the floor.

#### EXECUTIVE SESSION

#### NOMINATION OF CATHY ANN BENCIVENGO TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, prior to a vote on the nomination, with the time already consumed counting toward the majority's portion.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to speak on behalf of the nomination of magistrate judge Cathy Ann Bencivengo to the position of district judge for the Southern District of California.

Judge Bencivengo will fill a judicial emergency vacancy in a judicial district along the southwest border that has one of the highest and most rapidly increasing criminal caseloads in the country.

The Southern District of California includes San Diego and Imperial Counties. It borders Mexico, and it consequently has a large immigration caseload. It ranks fourth in the country in terms of criminal case filings per authorized judgeship.

The district's former chief judge, Irma Gonzalez, wrote me a letter urg-

ing Judge Bencivengo's confirmation and highlighting the felony caseload crisis in the district. As Chief Judge Gonzalez explained, since 2008 criminal case filings in the district have increased by 42 percent and civil case filings by 25 percent. In the past fiscal year alone, criminal cases had risen 17 percent up to the time of her letter. It is, in fact, a judicial emergency.

The ACTING PRESIDENT pro tempore. The Senator is advised the previous allotted time has expired.

Mrs. FEINSTEIN. I ask unanimous consent to speak for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Let me tell everyone a little about Judge Bencivengo. She is a consensus nominee who was approved by the Judiciary Committee by a voice vote. That does not often happen. There was no objection from any colleague on any side of the aisle.

She was recommended to me by a bipartisan judicial selection committee which I have established in California to advise me in recommending judicial nominees to the President. This committee reviews judicial candidates based on their legal skill, reputation, experience, temperament, and overall commitment to excellence.

Judge Bencivengo has been a U.S. magistrate judge in San Diego for the last 6 years, and she has earned an outstanding reputation in that judicial role.

Throughout my advisory committee's process, Judge Bencivengo has actually set herself apart as a person who would be truly exceptional. She was born in New Jersey. She began her undergraduate career at Rutgers. She earned a bachelor's in journalism and political science and a master's from Rutgers as well.

She worked for a leading American corporation—Johnson & Johnson—in New Brunswick. She then attended the University of Michigan Law School, where she excelled, graduating magna cum laude, and was inducted into the Order of the Coif.

After law school, she joined the San Diego firm of Gray Cary, which later became part of a major international law firm. She became a founding member of the firm's patent litigation group. Her knowledge of patent law, which she honed in law school and in private practice, made her a valued resource for her colleagues and clients, so she quickly rose through the ranks at her firm. She was selected as the national cochair of her firm's patent litigation group, a role in which she managed 70 patent attorneys.

In 2005, she became a magistrate judge, a role in which she has served as a serious and thoughtful jurist. Since her appointment, she has published 180 opinions, over 190 reports and recommendations, over 1,800 orders on nondispositive motions, and roughly 800 of her orders involved felony criminal cases.