

Hubble has rewritten the science textbooks almost every year. It has exceeded our wildest expectations. But it didn't start that way. Fifteen years ago, I was chairing the subcommittee that finances NASA, and we were so excited when Hubble took off. But no sooner was it in space when we saw that the Hubble did not work. Something was wrong with its mirror. Hubble could not see. I immediately had a hearing and said, oh my gosh, Hubble has a cataract. It needs space surgery. It needs a space contact lens. Well, I never saw myself as a space ophthalmologist, but, quite frankly, working with my dear friend from the other side of the aisle, Senator Jake Garn, we took a risk to finance the fix for Hubble.

Well, this country and this world, this big planet, was not disappointed. We took the risk because we believed in Hubble's potential. We believed in the engineers and the scientists at NASA to know how to fix it. We believed in our astronauts, that they could go to the Hubble and fix it and return safely to Earth. Thanks to those astronauts and engineers, Hubble was saved. We did fix it with a contact lens that has lasted now for many years. We have had to go back to space and give it new batteries. We have also had to give it new gyroscopes so it doesn't vibrate in space. We even improved its lens. Each year it gets better and better. From the brink of failure to extraordinary success, this has been the story of Hubble.

Now we are once again going to have to come to the rescue of Hubble. Last year, the NASA Administrator announced that he was terminating the final servicing mission to give Hubble new batteries and extend its life. The Administrator rejected it, saying that the Hubble would shut down in 4 years when its battery runs out. The reason he gave was astronaut safety. I was troubled by that because astronaut safety has been my No. 1 priority as an appropriator for the space program.

However, I was uncertain about that decision and, like any good scientist, I asked for a second opinion. First, I asked Admiral Gehman, who had done the study of what went wrong with Columbia, for his opinion. He said go to the National Academy of Sciences. I did that, and we found a study that concluded that a servicing mission was no more risky than going back to the space station.

Once again, Mr. President, our shuttle is going to start flying again, and our hearts and prayers will go with Colonel Collins as she takes astronauts back into space and, God willing and with the help of our engineers, returns to Earth safely.

The next mission needs to go up and fix the Hubble. I believe the American people want it. We have the will. Now we have to find the wallet. President George Bush, with poor advice from the NASA Administrator, canceled it out of the budget. I want the President to

look at those NASA pictures. I want him to know what NASA has meant to the world and to America in space. I am going to work with him, on a bipartisan basis, to find the money to keep Hubble flying and seeing the universe. Who knows, maybe we will meet an angel and make some interesting new friends.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed and, at 2:16 p.m., reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRANSPORTATION EQUITY ACT; A LEGACY FOR USERS—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise today to talk about simple fairness and equity in this highway bill. I commend the chairman and managers of the bill for working hard to get it to the floor. Now that it is here, I have some serious concerns with the bill, as reported, that I would like to share with my colleagues.

This bill is not fair to the States called donor States that send more of their Federal gas tax dollar and get less of it in return. Those are called donor States. We donor States—and Florida is one of them—are, once again, being cheated out of our fair share of highway dollars. Florida and roughly 20 other donor States deserve true equity, not simply what the donee States think we should be happy with. They send in a dollar of gas tax but they get more than a dollar in return. Our States, called the donor States, send in a dollar of gas tax money, and we receive less than a dollar of gas tax money in return.

In the case of Florida over the years, it has been down in the seventies. Presently—although it is scored at 90 cents—return on the dollar, in reality, when all the formulas are plugged in, is more like 87 cents. So in Florida we send a dollar of gas tax money to Washington, and we get only 87 cents of that dollar back. That is not fair.

The argument I am making is not a new argument. These are arguments that the ones who send in a dollar and get back less of their gas tax money

are pitted against the donee States. Approximately 30 of the donee States get back more than a dollar of the gas tax money. So there are 20 States that get less and approximately 30 States that get more. I am tired of hearing we should be happy with what we get. I am not happy with the formula on the redistribution of the gas tax money in the highway bill.

Last year's bill that we passed in the Senate got us a lot further toward equity than this year's bill. I was disappointed, even in that bill, because although we had a target to get us from 90 percent, which is really 87 percent, return on our gas tax dollar, all the way up to 95 percent, we did not get that 95 cents back on the dollar until the very last year of the 6-year authorization of the highway bill.

Florida is in the category with other States such as Arizona, California, and Texas. We were not going to get 90 cents on the dollar, boosted to 95 cents on the dollar, until the very last of 6 years in the bill. Those States that I just mentioned, mine included, are named superdonor States. In reality, it means we are the last in line to get our fair share.

As I look back at last year's bill, I yearn for it because that is not what this bill does. This bill gets the States only to 92 cents on the dollar, and large States such as Florida, California, Texas, and Arizona only get there, again, at the end of the 6-year authorization on the highway bill.

So what am I forced to look at? I am looking at we were getting it up to 95 cents on the dollar last year, and under this bill we are only getting it up to 92 cents on the dollar. Well, this is unacceptable. There is clearly a push from both sides of the aisle to add more money to the bill. I support more money in the bill. What we passed in the Senate last year was \$318 billion for highway construction authorized over a 6-year period. What is in this bill is \$284 billion over a 6-year period. If we want to add more money to the bill for highways, I am certainly for that, but I support more money if there is an increase in the rate of the return for States that are giving more money than what they are getting in return.

It simply does my State and these other States no good to grow a pot of money if we are not getting our fair share of the pot.

I have been told by the 30 donee States—remember, those are the States that get more on their dollar of gas tax than they put in—I have been told by those States to look at how much money, in actual dollars, Florida will receive and how much Florida will grow in an overall percentage from the last authorization bill.

I am happy to know Florida, under the chairman's proposal, gets more dollars in this bill than it did in the last authorization, but Florida should be getting more money this time around because it is putting more money in. The number that is important, and the

number that only donor States want to focus on, is the rate of return on our gas tax dollars. What percentage of Florida taxpayer dollars are actually being returned to Florida to build up our infrastructure, our highways, our bridges, and our transit? I asked that question not only for my State but for 20 other States that are not getting their fair share.

Why is this particularly sensitive to me? Look at all the folks that come to Florida and use our roads. The Orlando area is the No. 1 tourist destination in the world. We have a \$50 billion-a-year tourism industry that, in large part, is as a result of our pristine and clear waters on the beaches. People go by car.

What other reasons? Florida is now one of the major growth States also because we are a destination during the twilight years of retirement. That means not only is our population growing at a rapid rate—1,000 people a day net growth in Florida—but on top of that, we get 80 million tourists a year, and they are all using those Florida roads. We desperately need those roads expanded and improved. I can take anyone to parts of Florida and show that if you think traffic jams are big in Washington, DC, they cannot hold a candle to some of the traffic jams in Florida. States such as mine are the States with the greatest need and we are the States that continue to get the least back on our highway tax dollars. Our populations are increasing by leaps and bounds, yet our highway rate of return is staying relatively the same in order to pay for the other States to invest in their roads, and those are States that are not growing like Florida, Texas, California, Arizona, and 15 other states. Florida is the third fastest growing State behind Nevada and Arizona. We will grow by 80 percent in the next 25 years, becoming the third largest State in the country behind California and Texas. Florida will bump New York into fourth place by 2011.

We have to have help on our highways. We need, but we also deserve, our fair share. States such as mine have, for the last half a century, given more than our share of highway funds. The interstate system is complete now. It has been for some time. This formula has been operating for over 50 years. It is past time that donor States get justice and equity and fair shares. We deserve to get 95 cents return on each one of our highway dollars.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, in a moment we are going to make a motion to

substitute H.R. 3 so we will be considering the Senate-passed bill as it was passed out of our committee on to the floor. I think it is appropriate to make a couple of comments—and, of course, invite Senator JEFFORDS to also comment if he wants to—on the time we have taken on this bill.

We have worked on this bill for some 2½ years. It has been bipartisan all the way, all of last year and this year. I think it is something that is a product we can be very proud of. It has provisions in it that if we do not pass will not be considered. If we are on another extension, we will not have the safety provisions. We will not have the streamlining provisions that will help us build more roads per dollar.

We are prepared now to proceed. I understand there is no further debate on the pending motion.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the motion to proceed is agreed to.

The motion was agreed to.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal aid for highways, highway safety programs, and transit programs, and for other purposes.

AMENDMENT NO. 567

(Purpose: To provide a complete substitute)

Mr. INHOFE. I send a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 567.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. Mr. President, we are now on the substitute. I understand there are some amendments that are either on their way down or are going to be presented at this time. If not, we will talk a little bit about the bill and where we are today. We are prepared now to go ahead and accept amendments. We are going to ask Members to bring their amendments to the desk. The majority and minority leaders have agreed to give us the floor time to consider these amendments. The sooner we get the amendments, the sooner we can get this passed and sent to conference. I would think the minority leader would agree with me that this is one of the three most significant bills of the year.

I yield the floor.

Mr. REID. I would like to give a short speech, if the distinguished manager of the bill would not mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I say to my friend, I am not on the committee now, but I have been on the committee during a number of these highway bills. This highway bill is one of the most important pieces of legislation that the Senate considers. One reason it is such a good exercise is that it forces bipartisanship. It is extremely important legislation. This is one issue on which Democrats and Republicans work together. I certainly wish my friend well. It is an important bill, as he and I know. We worked so hard last year to get it done, and for a lot of reasons it did not happen, but the Senator from Oklahoma has my good wishes on this most important bill for not only Nevada but the country.

JUDICIAL NOMINATIONS

For the last several months, the Senate has operated under a cloud, a nuclear cloud. I would like to give just a brief history for those who are here today. Filibusters have been part of our history from the very beginning of our Republic. In the early years of our country, there were a number of filibusters, but there was no way to stop them. As a result of that, because of the filibuster, a lot of things were not accomplished that Senators wanted to accomplish. In fact, a number of very important Cabinet nominations did not happen because of the filibuster, and a number of judicial appointments in the early years of this Republic simply did not go anywhere because of the filibuster.

It was in 1917 that this body decided to change the rule so that there could be a way of ending filibusters. They decided that two-thirds of the Senators voting could stop a filibuster. Then, during the height of the civil rights movement in this country, the Senate decided to lower that threshold to 60, the way it has been since then.

We, of course, had filibusters of judges prior to 1917. We have had filibusters of judges since then. In recent years, we have had the person who was nominated to be Chief Justice of the Supreme Court, Abe Fortas, who was a member of the Court, filibustered. He was not able to go forward. There are a number of other people who were nominated to be judges, specifically circuit court judges, and there were filibusters conducted by my friends, the Republicans. There were efforts made to stop those with cloture motions. The two that come to my mind are two judges from California.

I worked very hard on one of them—a man by the name of Richard Paez. The other was a woman by the name of Marsha Berzon. A cloture motion was filed, and cloture was granted as a result of 60 Senators voting for cloture.

My friend, the distinguished Republican leader, knows filibusters have been conducted because he voted against cloture. While he was a Member of the Senate, he voted against cloture on a circuit court judge. So for