Similar words could be said about the current effort to abridge the Senate's involvement in securing the independence of the Court. There are those connected with the current effort who want people ''on the Court who would decide cases as they want them to be decided.'' And it is impossible to deny that the effect of the current proposal would be ''to make the Supreme Court of the United States [more] subservient to the executive branch of government.''

There is no doubt about it. That is the intent. That is the result.

On the Senate floor, Senator Wheeler also said:

I say the step proposed is one of the most dangerous ever suggested, and it will set the most dangerous precedent of which I can conceive. You can bring political pressure to bear on me, you can say, 'You you have to go along because of the fact that the administration wants it.' You can say that the privilege of appointing postmasters will not be accorded me; you can say that I will get no more projects for my State, worthy or unworthy; you can say what you please; but I say to Mr. Farley [the Postmaster General and Chairman of the Democratic National Committee] and to everyone else that, so far as I am concerned, I will vote against this proposal because it is morally wrong, morally unsound. It is a dangerous precedent, . . . it gets us nowhere, it is an expedient, it is a stopgap and dictatorial, and so far as I am concerned, if I am the only man in the Senate to do so, I shall vote against it.

Once again, similar words could be said about the current effort to abridge the Senate's involvement in securing the independence of the Court. ''[T]he step proposed is one of the most dangerous ever suggested.'' ''[I]t will set the most dangerous precedent . . . .'' ''[I]t is morally wrong, morally unsound.'' ''[I]t gets us nowhere . . . .'' ''[A]nd so far as I am concerned, if I am the only man in the Senate to do so, I shall vote against it.''

I only hope that enough Senators from the majority will have the courage that Burt Wheeler had, to stand up to their President, and stop this effort to undermine our Nation's cherished checks and balances.

In the latter half of the 19th Century, James Bryce was the Ambassador of the United Kingdom to the United States. In 1888, he wrote of America's independent judiciary:

The Supreme Court is the living voice of the Constitution . . . . It is the guarantee of the minority who, when threatened by the impatient vehemence of the majority, can appeal to this permanent law, finding the interpreter and enforcer thereof in a Court set high above the assaults of faction.

For two centuries, the Senate's rules have protected the rights of the minority party, Democrats and Republicans alike, and thereby protected the independence of the judiciary. After two centuries, it would be a mistake to change those rules.

As the Senior Senator from Tennessee, the Majority Leader, wrote in a forward to a book published last year entitled Senate Procedure and Practice, and I quote:

[A]bove all, together the Senate's rules and practices form a whole. It is a whole that faithfully reflects the Framer's design and ambition for the body. It is a whole that remains true to the Senate's two paramount values: unlimited debate and minority rights.

[U]nlimited debate and minority rights.

That is what the leader wrote just a year ago: unlimited debate is one of the paramount values in the Senate's rules. Minority rights is the other one.

''[U]nlimited debate'' allows Senators to protect ''minority rights.'' The Senate's rules help to protect the independent judiciary. The Senate's rules help to ensure that no one party has absolute power. The Senate's rules help to give effect to the Framer's conception of checks and balances to protect the rule of law.

John Locke wrote in The Second Treatise on Government:

Wherever law ends, tyranny begins.

John F. Kennedy said:

Law is the strongest link between man and freedom.

And the Greek philosopher Heraclitus of Ephesus wrote:

The people should fight for their law as for their city wall.

I urge my Colleagues on the other side of the aisle to fight for this city wall. I urge them to defend the independence of the judiciary. One hallmark that sets the United States apart from most countries in the world is a strong, independent judiciary: not bullied by the legislative branch, not bullied by the executive branch; an independent judiciary.

I urge my colleagues to defend that independence and I urge them to reject this effort to overturn the Senate's rules.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. 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—Continued

Mr. INHOFE. Mr. President, I ask unanimous consent that we resume the highway bill.

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

AMENDMENT NO. 567 WITHDRAWN

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending substitute amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 605

(Purpose: To provide a complete substitute)

Mr. INHOFE. Mr. President, I now send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 605.

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

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

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

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, finally, after much laboring, this massive new substitute, or managers' amendment, is before us.

This reflects the tremendous amount of work our staffs have done over the recess as well as the many long weeks and months our committees worked on it. It is not what anybody would say is a perfect bill. Everybody would like more money, and many would like more money in different places. But given the constraints under which we operated, this is the best we have been able to produce. Obviously, we hope that after the Senate may complete action on the supplemental, which I understand may be coming up, we would like to move as quickly as we can on this bill.

The leadership on both sides has told us they want to finish the bill by this week. That is an ambitious schedule but, frankly, the current extension of the highway transportation bill runs out at the end of this month. The only hope we have of meeting that deadline and getting a bill to the President is to get it to conference this week. The conference is going to be difficult because of the different approach taken by the House than the approach we have taken.

The approach we have taken, and the EPW Committee, on highway funds is one of bipartisan cooperation, to use formulas to assure that the highway money goes to States on the various indicators of need built into the formulas. I happen to think the formulas undercut the crossroads of the United States. I will be showing, when people talk about needs in other areas, a map by the U.S. Department of Transportation showing the level of heavy traffic on the roads in America. It is no surprise that that heavy traffic goes right through the middle of America, through Oklahoma, Missouri, Illinois, Indiana. We are the crossroads States. We are not doing as well in our States as many of the other States that are asking for more money.

When people say they want more money, my response is: I do, too. But we have attempted to follow the pattern established in previous formulas. And if people want to change it, I have some changes I would like to make as well and include the crossroads where the traffic is the heaviest and where, in my State and in Oklahoma, we now recognize the fact that deaths caused by inadequate highways is a legitimate concern for a bill called SAFETEA.

I am delighted, through the leadership of Senator INHOFE and the cooperation and leadership of our colleagues on the other side of the aisle, Senator JEFFORDS, Senator BAUCUS, Senator REID, who worked very closely with me on the last highway bill, we brought our section to the floor as well as the sections from the other committees. We look forward as soon as we can to going back to work on it. We would ask any of our colleagues who have amendments, particularly to our section, you have had a chance to look at it, we have had a chance to work on it. I hope we can move quickly because the time will be short and the bill is important.

With that, I thank the chairman of our committee and yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the senior Senator from Missouri. He has worked tirelessly, as chairman of the Subcommittee on Transportation of the Environment and Public Works Committee. You always hear that working with Senators is like herding cats. I think we have learned that on this bill. It is very difficult. Of course, by the very nature of the Senate, one person can hold things up. But I don't think there is anything this year we are going to be dealing with that is more important than our highway reauthorization bill.

Last year we passed a good bill out of committee. We were unable to get it out of conference last year. This year I am sure that situation will change.

As we work on it this week, I agree it is an ambitious schedule to get it done, but I am anticipating we are going to have to at some point file cloture. I would certainly tell any of the staff and Members who might be listening that we are open for business. We now have the substitute amendment on the floor so we know what we are working with. We would ask them to bring their amendments down. We can't do anything with an amendment unless we see it, unless we have it before us.

I know what is going to happen if we don't do that. When we come up against some deadlines, trying to get this passed out of here at the end of the week, people are going to be saying they didn't have time. You have time now. We are waiting for you. We want you to bring them down.

The substitute amendment we adopted has some changes in it. We did increase some highway funding by $8.9 billion. That would be the highway funding portion. That was over the EPW bill that we passed out of the committee that we chair. And it includes a 5.1-percent increase in both the apportioned and allocated programs. It also includes the minimum rate of return for donor States to 91 percent and working up to 92 percent. This is not as ambitious as it was last year, but last year we were dealing with a bill that was $318 billion over a 6-year period. This is going to be about 251 over the remaining 5 years of the 6-year reauthorization.

Last year's bill, the donee status was improved more dramatically so that for States such as my State of Oklahoma and the State of the Presiding Officer, we would have that up to a minimum of 95 percent. That means we would get back at least 95 percent of that which is collected in our respective States. We can't quite do that with the smaller amount, but certainly it is enhanced a little bit with the amendment we just agreed to consider.

So we have a lot in here, and they are going to be a part of this bill. Again, the only thing that needs to be done right now is for amendments to be brought to the floor. By the way, Senator BOND is right when he says there are a lot of Members who are not happy, and they won't have enough money in their States. I am not happy about the amount of money in Oklahoma. There was a lot of compromising over a 3-year period to get us where we are today. However, if you are not happy, offer an amendment. We will consider it and we will vote on it. That is what the process is all about.

We have a lot to be done in the next 4 days. We expect that we are going to be doing it. We are encouraging people to come down with their amendments.

I chair the EPW committee, but we also have some titles in here by the Banking Committee, the Commerce Committee, and the Finance Committee. We have been talking to those chairmen. I believe they are ready. So we could entertain amendments on any of these sections or any of the titles of the bill.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that we go into a period of morning business with each Senator permitted to speak for up to 10 minutes.

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

HONORING OUR ARMED FORCES

SERGEANT ROBERT J. ''JASON'' GORE

Mr. GRASSLEY. Mr. President, I rise today to recognize a fellow Iowan who has fallen in service to his country. SGT. Robert J. ''Jason'' Gore of Nevada, IA, was killed on April 21, when insurgents shot down his helicopter. Jason had already completed one tour in Iraq before he began his tour as a security guard for Blackwater USA. He was only 23 years old and is survived by a mother, father, brother, and grandparents.

Jason grew in Nevada, IA, and chose to attend St. John's Northwestern Military Academy for his last 2 years of high school. Sergeant Gore excelled there in academics, athletics, and leadership, and he was described as a kind young man with a purpose-driven life and a great enthusiasm for the opportunity to serve in the military.

Sergeant Gore's patriotism for his country and zeal for life must be recognized and appreciated today and in days to come. In his honor, I urge all Americans to contemplate their love for this great country and to think about the patriotic ideals which Jason held in such high esteem. In memory of his life and his great sacrifice so willingly made, we are called to rekindle in ourselves the fiery devotion and enthusiasm of SGT. Robert J. Gore. I offer my condolences to the family and friends of Jason who have felt this loss most deeply. Today, their son, brother, grandson, and friend stands as a beacon of enduring patriotism, deserving of emulation by all Americans.

CARE COORDINATION

Mr. KENNEDY. Mr. President, I welcome this opportunity to call the attention of my colleagues to the important issue of improving the coordination of health care for the Nation's senior citizens. As we all know, large numbers of senior citizens receive health care and treatment from several different physicians. In fact, more than half the patients with serious chronic conditions have three or more different physicians.

Too often, a physician seen by a patient is not aware of the tests and prescriptions that other physicians have ordered for the same patient. The result is that the patient receives care that is often duplicative, and may actually be harmful.

We need new ideas on improving care coordination for patients—particularly for senior citizens.

The Boston Globe recently published a thoughtful article by Lois Quam, CEO of the Ovations division of UnitedHealth Group, describing new initiatives to improve the quality of health services provided to senior citizens. It includes a number of worthwhile recommendations, and I urge my colleagues to take the time to read it carefully. We can clearly do better, much better, in this important area of health care.

I ask unanimous consent that the article ''Rx For Medicare'' be printed in the RECORD.

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

[From the Boston Globe, Mar. 11, 2005]

RX FOR MEDICARE

(By Lois Quam)

Social Security reform will dominate politics and be the subject of much debate for months to come. However, failure to address rising healthcare costs, by changing the way Medicaid and Medicare-funded care is delivered, could undermine efforts to ensure financial security for many retirees.

Over the next 75 years, the government is expected to pay more than $27 trillion in healthcare benefits promised to seniors seven times its Social Security obligations for that period. Further, a recent analysis by Urban Institute researchers suggests that by 2040, typical seniors might have to spend approximately one-fifth of their Social Security benefits on Medicare premiums.