

to say their goodbyes, and to recognize his bravery in fighting for such an important cause. I was honored to be able to write a eulogy for Will, which was read at the service.

Our prayers go out to Will's beloved friends and family members today. We are thinking of his wife Jennifer Evans Bowling; his daughters Hannah Kathryn and Allyson Peyton Bowling; his father, Adam Miller; his mother Kathleen Bowling; his parents-in-law James and Cathy Evans; his brother-and sister-in-law Jim and Roxanne Evans; his nephews Michael and Wesley Evans; his grandparents Chester Terry and Francis Bowling; his grandmother-in-law Kathryn Holloway, and many others. Will's grandfather-in-law, Frank Holloway, has also passed away.

Will also served alongside many brave soldiers in the Army, forging friendships that lasted a lifetime and beyond. We are thinking of SGT Billy Messer, SP Travis Tysinger, SGT Brian Marshall, SSG Billy Thompson, SGT Stephen Tucker, and SGT Arthur Briggs.

The town of Beattyville has honored Will by engraving his name on a memorial wall that is erected downtown. That's an appropriate way to remember Will as a soldier and a hero.

His wife Jennifer plans her own way of remembering Will as a husband, a father, and a man.

"I've bought a farm and I'm going to build a house exactly as we had planned," she says. "I will display his die-cast cars . . . and will put his Army memorials on display."

This Senate will remember SGT William G. Bowling for his life of service, and his enormous sacrifice. We honor his heroism in defending his family and his country. And we will not forget the example he has set for all of us—not least, his two young daughters.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST— H.R. 6327

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 6327—this matter was received from the House earlier further, that a Baucus substitute amendment at the desk which is a 3-month FAA extension and a highway trust fund fix be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid on the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. I am very supportive of the aviation bill. I do think it is inappropriate to add \$8 billion of unrelated spending without debate or amendment, so I regretfully have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am wondering while my friend is on the floor, the highway trust fund, according to the States, is upside down. There is not enough money in it. With the construction season upon us for renovation and repair of streets, highways, and bridges, I say to my friend: Would any smaller amount of money be satisfactory, say, \$6 billion?

Mr. DEMINT. Mr. President, I appreciate the question from the leader. I think again it is inappropriate to make a decision on whether it is \$6 billion or whatever the figure is. Only a couple of months ago we were all here on a technical correction bill. We had the opportunity to take a lot of money that was saved from projects that were not needed. We talked at the time on this floor about the fact that the trust fund was short. But instead of taking that savings and putting it back in the trust fund, we used it to add additional earmarks and to put more money into projects that were there. So there has been no intent by this body to try to look at the problem with the trust fund. Certainly it is something we need to deal with but not as part of the aviation bill.

Mr. REID. Mr. President, I am disappointed but not nearly as disappointed as 50 Governors. This is a situation where the highways of this country are in desperate need of repair and construction.

With the economy faltering, as it is, and the housing market stumbling, this would be a tremendous help. For the \$6 billion, it would create about 300,000 jobs—300 thousand. For every billion dollars we spend, it creates about 47,500 high-paying jobs. The spin-off from those jobs is significant.

This would be vitally important to give our economy a little shot in the arm. So I am disappointed my friend has objected.

We are going to have to continue to work to try to replenish that trust fund. The trust fund is not adequately funded because of the fact that people are not traveling as much. They are not buying enough fuel at least to fill the trust fund. The price of gasoline, when President Bush took office, was \$1.46, \$1.47. Now it is an average of about \$4.12 a gallon.

We have real problems around the country. When gas was at \$1.47, the same tax came into the coffers to fill this fund. So it is an issue, and I would say to my friend, the technical corrections bill was just that, it was to take care of other things that were essentially needed at that time.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6327.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows.

A bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6327) was ordered to a third reading, was read the third time, and passed.

UNANIMOUS-CONSENT REQUEST— H.R. 3661

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 836, H.R. 3661, an act to extend the expiring Medicare provisions; that the bill be read a third time and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, there is obviously a great need to correct the problem of what will occur if we do not fix the doctors' reimbursement schedule.

But there are also more ways to do this than one, and the one that is being proposed is the House-passed bill by the majority leader. We would suggest that since the Senate should be heard on this matter and have the opportunity to put its ideas on the table, Senator GRASSLEY and Senator BAUCUS should have a chance to work on the Senate proposal; that we would rather proceed with an extension of the present Medicare provisions so doctors are not subject to a reduction in reimbursement for 30 days and allow this to happen.

I will be required to object to this on behalf of the leadership over here and myself. Then I would like the courtesy of the majority leader to ask unanimous consent for a 30-day extension.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I say to my friend, this legislation passed the House by a huge bipartisan vote—359, as I recall, House Members voted for this.

Now, as far as putting the stamp of the Senate on this bill, we have already done that. We passed a bill. We had every Democrat and nine Republicans. That is basically what the House has sent back to us—that matter we took a look at earlier.

I say that the chairman of the committee, Senator BAUCUS, is 100 percent

behind this request I have, as is the AARP, the AMA, and many support groups around the country. That is now in the RECORD. We put that in the RECORD yesterday.

So this is something we have to do. I would say to my friend, on the 30-day extension, I understand the seriousness of his proposal. I have said many times on this floor, I will not repeat it in detail, I have the greatest respect for the distinguished Senator from New Hampshire. But it is my understanding that there has been an objection to my proposal, and he will go ahead and offer the 30-day extension, to which I will object.

I will be happy to seriously consider it but not too seriously.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a 30-day Medicare extension that is at the desk; that it be read a third time and passed; that the motion to reconsider be laid upon the table.

I think the point is, there are serious reservations on our side of the aisle, and I think legitimately other places, on the way the House has handled elements of the Medicare system in this bill and that is to undermine the ability of many seniors to participate in what is known as Medicare Advantage.

We think there is a better way to do it. We think the Senate can do a better job of this bill, and we think 30 days to work on it makes some sense.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FISA AMENDMENTS ACT OF 2008— MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6304, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 827, H.R. 6304, an Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank our leaders for getting us on this very important bill.

As we have discussed before, the failure to modernize and authorize the Foreign Intelligence Surveillance Act last summer has caused serious gaps in our intelligence capability.

When the Protect America Act that was introduced by our Republican leader, Senator MCCONNELL, and me last

year finally passed, we put the intelligence community back in the business of intercepting critical intelligence communications from foreign terrorists talking to each other about possible activities in the United States, or against our troops and our allies elsewhere, and obviously any of those who were threatening the United States.

I can tell you, without going into detail, that the foreign intelligence collection from these has been about the most valuable piece of information we have with respect to terrorist intent. So I appreciate the fact that this body is ready to move forward.

I hope we will have a way forward to get it done by the time we leave for the Fourth of July recess. It is critical we get this done promptly. If we go into late July or even into August without getting it done, serious consequences will start to impact our ability to collect intelligence.

Again, I thank our minority leader, Senator MCCONNELL, for his kind words, especially about my very capable staff who have worked very hard, not only to help put this bill together, but we have briefed Members of both sides of the aisle, their staffs. We have spent a lot of time doing that.

Of course, as I outlined yesterday, we spent a very long 2½ months working with the House. As I indicated, the bill this body passed, the FISA amendments, we passed 68 to 29 in February with the good, strong support of the chairman of the committee, Senator ROCKEFELLER. We worked on a bipartisan basis. We worked with and listened to the intelligence community to do several things that were critical.

No. 1, we wished to make sure there was protection for the privacy and constitutional rights of Americans and U.S. persons here and abroad. For the first time, we included that. We also needed to protect the telephone companies or carriers who have participated in the terrorist surveillance program under the lawful orders issued by the President, under his constitutional authority in article II, an act in good faith by those carriers.

We provided that immunity, or retroactive liability protection, more accurately, that was critical to ensuring that they can continue to participate. They are loyal American citizens, and they wanted to be able to help. But when frivolous lawsuits, seeking billions of dollars in damages, are filed against them, whether they participated or not, and there is no assurance that any telephone company so sued has participated. They cannot use a defense that they did not participate. They have to have protection.

We built in that protection in a way that was acceptable to both sides in this body in the FISA amendments and also satisfied the concerns of the majority party in the House, which, as Leader MCCONNELL said, had the votes, if they had wished to pass our FISA amendments.

We believe this new bill we are considering, H.R. 6304, which passed the House with a strong majority vote of 293 to 129 last Friday, should be passed here.

As with the Senate's original FISA bill passed several months ago, the compromise that is before us required a little give-and-take from all sides. But, in essence, what we have before us today is basically the Senate bill all over again.

I am aware that some on the far left wish to paint this as some radical new legislation. But if you read the language, it is not different. The press picked up on this straight away last week and kept asking me to help them find the purported "big changes" in this bill that no one can find. I have not been much help to them because the answer is, there is not much that is significantly different, save some cosmetic fixes that were requested by the majority party in the House.

For example, I am pleased that the strong retroactive liability protections that the Senate bill offered are still in place, and our vital intelligence sources and methods will be safeguarded. I am pleased this compromise preserves the ability of the intelligence community to collect foreign intelligence quickly and in exigent circumstances without any prior court review.

I am also pleased the 2012 sunset, 3 years longer than the sunset previously offered in any House bill, will give our intelligence collectors and those parties we need to have cooperate with us the certainty they need in the tools they use to keep us safe.

I am confident the few changes we made to the Senate bill in H.R. 6304 will in no way diminish the intelligence community's ability to target terrorists overseas, and the Director of National Intelligence and the Attorney General agreed. That had to be the test. They worked with us. They made compromises. When we had a proposal for additional protections for Americans, they agreed. But we had to work out the language to make sure we provided protections without destroying the basic integrity of the bill.

I believe we did that. We did that with the Senate bill, and we did it again with the minor changes the House wanted to make.

Let me address, for the time being, the banner issue of the legislation, which is Congress's affirmation that the telecom providers that may have assisted the Government after 9/11 should have the frivolous lawsuits against them dismissed.

I am confident in the standard of review in title II of the bill on which we agreed with Congressman HOYER and Congressman BLUNT, his counterpart in the House, namely, a "substantial evidence" standard, which will ensure that those companies that assisted the Government following the September 11 terrorist attacks obtain the civil retroactive liability protection they deserve.