

Many good things have been said about Jesse Helms since he left us early Friday morning. And none, I think, was more true than a note that was sent to the Helms Center over the weekend. "He was caring about those he knew and didn't know," it said. "He wanted others to succeed."

In the Senate, he always sought them out. Whether it was the schoolchildren that he met with by the thousands; the staff members he didn't call staff, but family—the Helms Senate family; or the Senate pages he would always stop to talk to, and who would send him notes later on in life to thank him for a kindness, a word of encouragement, or to show him pictures of a newborn baby.

Over the years, anyone who passed by Jesse Helms in the Capitol, or worked in his office, would remember him as one of the kindest men they ever knew. No matter who you were, he always had a thoughtful word and a gentle smile. He put duty above all else—duty to God, to country, and to family, yes—but also a duty that's often overlooked: the simple duty of treating other people well.

He never let the seriousness of his job in the Senate become an excuse for pretense.

Just ask the Senators who always had to make room for Jesse's constituents on the senators-only elevators. Or the tourists from all the other states who noticed that Senator Helms always put visitors from North Carolina at the front of the Senate subway car when he rode with them. Or the constituents who weren't even from North Carolina, but who could always count on the Helms Senate family to help if their own representatives didn't. Their boss always made sure of it.

One of the more notable features of being a member of the U.S. Senate is that you get to see how different the public image of certain well-known senators is from the men and women you actually get to know as colleagues and as friends. No one seemed to suffer more from this peculiar disconnect than Jesse Helms. And no one seemed to care about it less.

I remember walking into his office for the first time and being disarmed by his kindness, and then stepping into his private office and being disarmed again at seeing an entire wall covered with some of the nastiest political cartoons I'd ever seen. Every one was critical of Jesse. And he loved them. Visitors would come into his office, look at the wall, look back at Jesse, and he'd just smile.

There was a lesson here: you can let your adversaries beat you down, or you can let it roll off your back. Jesse taught many of us to do the latter, and we were grateful for the advice.

Staffers learned how to deal with the critics too. One time, after a particularly harsh editorial in the *New York Times*, a new Helms staffer dashed off a harsh response and brought it in to the boss for his review. Jesse read it, patted the young man on the shoulder, and said, "Son, just so you understand: I don't care what the *New York Times* says about me."

He had a kind of preternatural calm about what other people said. But for Jesse, standing on principle and fighting back in defense of one's views was never to be confused with animosity for ones adversaries. Political disagreements were never a reason to treat others badly. As one of his Democratic colleagues put it over the weekend: "He was always a gentleman."

When he fought back, he did it in the most effective way he knew how. Nobody knew the rules of the Senate better than Jesse Helms, and no one used them against his adversaries to more frustrating effect. There's a saying in Washington: Whenever a member of Congress looks into the mirror, he sees a future

president. But Jesse Helms was always an exception to the rule. He never saw himself as anything other than a senator. And he played the role masterfully.

Of course, there was one person whose opinion did matter. And, as I recall, she was never one to hold back. If Jesse gave a speech that was a little too long, he'd be sure to hear about it in the car ride home. And, unlike the editorial writers, Jesse always took Dot's wise counsel to heart.

It's ironic, of course, that Jesse Helms would find his wife in a newsroom—ironic that someone who had so little use for newspapers would have started out at one. But he always remembered those early days at the *News & Observer* fondly. He remembered that the best path to his desk was the path that led him past Dorothy Coble's [COE-BULL] desk.

He took that path often. And soon enough, he and Dot were covering the news together, and becoming close friends over late-night steak dinners at the Hollywood Café. Decades later, looking back on all the state dinners and all the visits from various dignitaries and world leaders, Jesse would say those dinners with Dot at the Hollywood Café were, for him, the most memorable.

Dot, you had the perfect partnership. We miss you in Washington. And we honor you today too, for your devotion and your strength, especially in these last years, which haven't been easy, we know.

Jesse Helms was not above sharing the secret of his success with anyone who asked.

One time, a college student who admired him called his office on a whim to see if Senator Helms would be willing to speak to a college group he ran. The boy was shocked when Senator Helms himself cut in on the phone line and said, "I'll do it." But he was shocked even more when, on the day of the speech, he asked Senator Helms for the one piece of advice he'd give a young man just starting out in politics. "Son, find yourself a good wife."

It has been noted by many others how fitting it should be for a man who spent his entire adult life talking about the "Miracle of America" to pass away on Independence Day. It was no less fitting, I should think, for a man who did so much to promote the vision of the American Founding to have come from as modest a background as so many of the men who secured it in battle.

That too, of course, has always been a part of the *Miracle of America*: that an army of castaways, one third of whom didn't even have shoes, could defeat the British Army. That a boy from Kentucky whose father couldn't even sign his own name would go on to write the words of the Gettysburg Address. Or that a policeman's son from Monroe, North Carolina, could, in his own time, have such a powerful effect on the course of human events. Jesse Helms rose the way so many others in our country have from its earliest days, not by inheriting something, but by building something.

He was a product of the public schools, but his most important education came from the home. In the Helms household, Jesse said, it was not uncommon for him to wake up and find his mother cooking breakfast for the hobos that his father had rounded up the night before. And on Sundays, the whole family would worship together at the First Baptist Church on Main Street in Monroe.

It was the kind of home where a young boy could learn a boundless hope in the promise of America. It was the kind of place where a young boy could learn about the importance of strong principles, and the importance of fighting for them, regardless of the personal cost.

I remember once, as a young senator, walking into the Republican cloakroom, and

seeing what that kind of tenacity looked like: a lone senator, sitting in the corner. Jesse had put the rest of us in some parliamentary tangle about one thing or another. He'd ground the place to a halt. And he was completely comfortable with the whole situation. It was truly something to behold.

Once, after a disastrous early battle in the Revolutionary War, John Adams was asked for an explanation. "In general," he said, "their generals outgeneralled our generals." For the last three decades of the 20th Century, the same would never be said of a certain North Carolina lawmaker whenever he decided to take on an issue in the U.S. Senate. Jesse Helms always held his ground.

Many others who never saw Jesse Helms on the Senate floor have noted with admiration the same qualities over these past days. One man from Florida wrote that Cuban Americans will never forget his staunch opposition to the Castro Regime. And one of Jesse's many unlikely friends on the international stage, Bono, left a tribute at the Helms Center that many men could only dream of.

"Give Dot and the family my love," it said. "And tell them there are two million people alive today in Africa because Jesse Helms did the right thing."

Today, we are sad at the passing of our friend, but we are consoled by the promises of a God he loved. Jesse Helms was once asked whether he had any ambitions beyond the Senate. "The only thing I am running for," he said, "is the Kingdom of Heaven."

Now that day which comes to all of us has come for Jesse Helms. And we are confident that he has heard those words he longed to hear: "Well done, good and faithful servant . . . Come and share in your Master's joy."

The ACTING PRESIDENT pro tempore. The majority leader.

FISA

Mr. REID. Mr. President, I wanted to build upon the remarks of the Senator from Kentucky. He commended and applauded Senator BOND, and that certainly is appropriate. But I also want to recognize, as the Republican leader did, the work they have done together. I may disagree with the result of what we have on the floor today, and the outcome of what is going to happen today, but I want everyone to know that Senator ROCKEFELLER is a man who works hard. There is no Senator who works any harder than JAY ROCKEFELLER. He spends, with his counterpart and counterparts, Members of the Intelligence Committee, days, days each week in a place that is secure, away from the press, staff, and the rest of the Senate, in trying to figure out what is going on in the world as it relates to bad people trying to do bad things.

They also have to keep on top of what is going on around the world as the administration advises them. So when the history books are written about this institution, one of the people they will have to write about is the good man of West Virginia, a man of wealth who decided to be a public servant. He has done that for the people of West Virginia for decades. There are a lot of great Senators who have come from the State of West Virginia, and two of them are serving now, but I

want everyone to know that my appreciation, my affection, and my total admiration for JAY ROCKEFELLER is like no other Senator. He is a wonderful human being. I so appreciate his willingness to do this job. Not everyone runs and tries to get to be chairman of the Intelligence Committee, but he does it because he thinks it is the right thing to do for the country. We in the Democratic caucus think there is no one better to lead us in that behalf.

I will simply say that the relationships with Senator BOND and Senator ROCKEFELLER have been extremely pleasant, and that makes this most difficult job better for all of us.

RESERVATION OF LEADER TIME

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

FISA AMENDMENTS ACT OF 2008

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

The legislative clerk read as follows:

A bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish procedures for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Pending:

Bingaman amendment No. 5066, to stay pending cases against certain telecommunications companies and provide that such companies may not seek retroactive immunity until 90 days after the date the final report of the inspectors general on the President's surveillance program is submitted to Congress.

Specter amendment No. 5059, to limit retroactive immunity for providing assistance to the United States to instances in which a Federal court determines the assistance was provided in connection with an intelligence activity that was constitutional.

Dodd amendment No. 5064, to strike title II.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak on my time, followed immediately by Senator HATCH, who will speak for 10 minutes, and that my remaining time be reserved after that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What was the request?

Mr. BOND. The request was that I speak on my time and that Senator HATCH be given 10 minutes.

Mr. REID. Mr. President, is that additional time to what we have?

Mr. BOND. No. That is off of my time.

Mr. REID. I appreciate that. But should we not be going back and forth? Because Senator FEINGOLD has been here waiting.

Mr. BOND. How long will Senator FEINGOLD speak?

Mr. REID. My understanding is 30 minutes.

Mr. BOND. Responding to the distinguished leader, Senator HATCH had to leave a Judiciary Committee hearing. He was only going to speak 10 minutes. And I am going to be about 10 minutes.

Mr. FEINGOLD. As long as my 30 minutes is blocked.

The ACTING PRESIDENT pro tempore. The Senator's time is locked in under the unanimous consent.

Is there objection to the sequence of speakers?

Mr. FEINGOLD. As long as my 30 minutes is reserved so I can speak following the time of the Senator from Utah.

The ACTING PRESIDENT pro tempore. Is there objection to the request as modified?

Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished leader who has done a remarkable job of helping us to get to this point in what has been, let us say, a challenging 15-month debate. And I concur with him in the very kind and generous words he said about my friend and colleague, the chairman of the committee, Senator ROCKEFELLER.

I expressed my appreciation to the Republican leader for his very kind words, and I agree with him that it is absolutely essential that we defeat these amendments today. But, finally, after sporadic filibuster attempts over a period of 15 months by several Members, Members whom I respect for their tenacity and conviction in this matter, we are poised today to conclude work on the FISA Amendments Act of 2008.

Yesterday I detailed my views on aspects of this legislation, and I walked through six tweaks to the legislation that were made to the bipartisan Senate bill that the Senate passed in February, earlier this year, that have resulted in the bill before us today.

I am happy that the tweaks to the bill did not change the bill much. I am proud to negotiate with the House to bring back to the Senate essentially the same bipartisan bill today that both the chairman and I crafted with the help of an overwhelming bipartisan majority of our Intelligence Committee.

This ensured that today we have a major bipartisan victory of which all sides can be proud, exemplifying what can be accomplished in Washington when there is bipartisan negotiation.

I thank all of those who worked so hard to bring us to the cusp of sending this legislation to the President. I appreciate the hard work of House Majority Leader STENY HOYER, who was critical in the House; Republican Whip ROY BLUNT, and Congressmen PETE HOEKSTRA and LAMAR SMITH, as well as the efforts of my colleagues in the Senate, Senators ORRIN HATCH, SAXBY CHAMBLISS, Senate Republican Leader MITCH MCCONNELL, and Chairman ROCKEFELLER for his strong support and leadership.

Further, we could not be here today without the hard work of staff, from the House, Jen Stewart from House Minority Leader BOEHNER's office; Brian Duffel from House Minority Whip BLUNT's office; Chris Doneso from Mr. HOEKSTRA's office; Caroline Lynch from Mr. SMITH's office; Mariah Sixkiller with the House Majority Leader's office; and Jeremy Bash from Mr. REYES' office, along with an assortment and large number of deputies and others who assisted them in producing the language that their Members would support.

As to my own staff, I thank my staff director Louis Tucker and staffer Jacqui Russell from the Intelligence Committee; a very special thanks to two FISA counsels, Jack Livingston and Kathleen Rice, who brought invaluable expertise into this process as lawyers who participated in the FISA process from the executive branch perspective while working in the FBI.

Thanks to Senator ROCKEFELLER's counsels, Mike Davidson, Christine Healey, and Alissa Starzak, as well as to Jesse Baker with Senator HATCH; to Tom Hawkins and John Abegs with Leader MCCONNELL's office; and to the many other staff who helped make this happen, too many to name now in the short time we have before we vote on the upcoming amendments.

I believe it is necessary to reinforce a few points that Senator ROCKEFELLER and I made yesterday in urging our colleagues to defeat the three amendments before us that would kill this bill by altering the title II liability protections, and potentially putting us in the disastrous situation we faced a year ago.

First, yesterday we heard from supporters of these amendments that decimating the title II civil liability protections for our telecommunications providers would have no effect on the title I portion of the bill that modernizes FISA collection methodologies because title I contains directives that are enforceable by court order.

Such statements demonstrate a lack of understanding about the intelligence community's dependence upon our third-party partners. We know from our experience when the Protect America Act expired in February that is simply not the case. We lost days' worth of intelligence while the partners ceased cooperating momentarily until they were assured that authorizations and corresponding immunity tie would last until August. If we do not have their voluntary cooperation by giving them liability protection, then it is much harder and we get much less in trying to compel them.

Second, we heard yesterday that it is "bad lawyering" to apply the substantial evidence standard to the title II liability. The Senate's bill had an abuse of discretion standard for title II liability, which I believe was the appropriate standard, but House Democrats offered this other standard.

It is an appellate standard, not a factual standard, as my colleague from