

against communism, along with Reagan, Thurmond, and others, was vindicated. The Berlin Wall tumbled and the Soviet Union collapsed.

Today, communism has been discredited and millions of people have been freed from its bonds. Senator Helms, and the other strong anti-Communists, deserve our thanks for their steadfast fight and eventual victory over communism. It would not have been possible without their hard work.

In closing, I was saddened to hear of the passing of Senator Helms and I want to take this opportunity to send my condolences to his family and friends. I also want to express my sincere appreciation for his long service in the U.S. Senate and to the Nation he loved.

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to my late colleague from North Carolina, Senator Jesse Helms. I look back upon his career in the U.S. Senate and remember a true champion of conservative values; a Senator who stood by his convictions with a tenacity for which he will long be remembered.

Senator Helms was initially introduced to public service by his father, who served their North Carolina community as both the fire chief and the chief of police. After working in print, radio, and television journalism and serving on the Raleigh City Council, Jesse Helms decided to run for Senate in 1972 and proved his political mettle by defeating three opponents to win the seat.

Senator Helms spent the next 30 years serving five terms in the Senate, leaving behind a legacy of uncompromising and unapologetic conservatism. He could boast of many accomplishments during his career, including being dubbed "Senator No," a moniker he earned for standing strong against issues he felt threatened the conservative agenda. Senator No chaired the Agriculture Committee from 1981–1987 and the Foreign Relations Committee from 1995–2001, where he had a hand in cultivating many important pieces of legislation. His firm stance against tyranny led to successful negotiations and passage of a bill to assist Cuban citizens, organized efforts to bring more countries into the NATO alliance, and supported the development of a missile defense system to defend our allies abroad.

Senator Helms also made his presence known on the national campaign trail where played a pivotal role in fostering the conservative agenda in Ronald Reagan's presidential campaign in 1976. His efforts were so effective he was asked to participate again in 1980. Clearly "Senator No," a moniker he earned for standing strong against issues he felt threatened the conservative agenda, helped the future President shape his conservative message.

Senator Helms and I may have differed on many issues, but I respected his wide array of knowledge and the vigor with which he defended them. I

am glad to say I served in this chamber with Jesse Helms and will always honor his passion for life and dedication to service in the Senate.

Mr. ENSIGN. Mr. President, President William McKinley once said, "That's all a man can hope for during his lifetime—to set an example—and when he is dead, to be an inspiration for history."

Of all his accomplishments during his lifetime, the example that Senator Jesse Helms set for treating others rises above everything else. During my first term in the Senate, I had the privilege of traveling to Mexico as part of a congressional delegation with Jesse Helms. I saw his kindness and sincerity in the way he treated everyone, regardless of position. The foreign dignitaries received the same respect and consideration as staff. Not enough Senators treat members of their staff like members of their family, but Jesse Helms did. And that gentleness extended to all who came into contact with him.

The kindness with which he touched so many lives stands in stark contrast to the harsh and tough image which many had of Jesse Helms. Seen as rough and hard-hitting, a more fitting description of Jesse Helms is that he was a steadfast believer in the principles of America. Jesse Helms was the voice, sometimes the lone voice, of a centuries' old vision of a sovereign United States committed to freedom, a strong national defense, and free enterprise. He was willing and able to stop business in the Senate when the strength of our Nation was threatened.

But to those whose lives were personally touched by Jesse Helms, progress was never paused. Instead, Jesse Helms was a conduit of democracy and opportunity. Generations of Cubans, Taiwanese, Iraqis, and Africans will always remember the support that a Senator from North Carolina dedicated to their causes.

And countless North Carolinians will remember the meaningful impact that Jesse Helms had on their lives as their advocate to a sometimes unyielding government bureaucracy. One constituent from Raleigh noted her Senator's efforts on behalf of her aging parents. She remembered her mother saying if there was a problem that couldn't be resolved, "Call Jesse Helms. He won't stop until he gets it solved."

His commitment to his constituents speaks volumes about Jesse Helms's passion for his job and the people who elected him. He always remembered who he represented and why. And he always remembered that we ensure the strength of our Nation by inspiring young people to continue the work of generations of patriots. He never turned away young men and women looking for advice and often engaged them in dialogue. Time and again he told them to stand up for their principles. And then he showed them by example.

Very few Americans in our Nation's history have risen to the level of accomplishment and reverence as Jesse Helms. During three decades in the Senate, he set an example for all Americans as he always stood by his principles and extended kindness to friend and foe. Now he is an inspiration for history.

#### FORMER VICE PRESIDENT PROTECTION ACT OF 2008

Mr. LEAHY. Mr. President, I am pleased that, last night, the Senate unanimously passed the Former Vice President Protection Act, H.R. 5938, a bill to ensure that former Vice Presidents and their immediate family receive Secret Service protection for 6 months after they leave office. I am especially pleased that this important legislation includes key provisions of the Leahy-Specter Identity Theft Enforcement and Restitution Act, a critical cyber crime bill that unanimously passed the Senate last November. I urge the House of Representatives to promptly take up and enact this important criminal legislation.

Although the Secret Service has provided protection to former Vice Presidents over the last 30 years, through a variety of temporary grants of authority, this legislation will provide clear authority for the Secret Service to provide such protection for the first time. The men and women of the Secret Service perform the very difficult job of protecting our current and former leaders exceptionally well. I am pleased that this legislation will help the Secret Service to carry out this important mission.

This bipartisan legislation also includes important cyber crime provisions portions of the Identity Theft Enforcement and Restitution Act to protect the privacy rights of all Americans. The anti-cyber crime provisions in this bill are long overdue. A recent survey by the Federal Trade Commission found that that more than 8 million Americans fell victim to identity theft in 2005. In addition, a new report by the Organization for Economic Cooperation and Development encourages democratic governments around the world to more aggressively fight identity theft by enacting stronger cyber crime laws and stiffening the penalties to deter potential cyber-criminals.

The key anti-cyber crime provisions that are included in this legislation will close existing gaps in our criminal law to keep up with the cunning and ingenuity of today's identity thieves. First, to better protect American consumers, the legislation provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole.

Second, to address the increasing number of computer hacking crimes

that involve computers located within the same State, the cyber-crime amendment eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Third, this legislation also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed \$5,000 in order to federally prosecute the offense. The bill carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions and clarifies that the elimination of the \$5,000 threshold applies only to criminal cases.

In addition, the amendment addresses the increasing number of cyber attacks on multiple computers by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the amendment ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber-crime laws. The legislation also strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber-extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted.

Lastly, the legislation adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime, and our amendment directs the U.S. Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

Senator SPECTER and I have worked closely with the Department of Justice and the Secret Service in crafting these updates to our cyber-crime laws, and the legislation we add as an amendment to the Former Vice President Protection Act has the strong support of these Federal agencies and the support of a broad coalition of business, high-tech and consumer groups. The bill as amended to include these critical cyber-crime provisions is a good, bipartisan bill that will help to better protect our Nation's leaders and to better protect all Americans from the growing threat of identity theft and other cyber crimes.

Again, I thank the bipartisan coalition of Senators who have joined Senator SPECTER and me in supporting this important bill. I urge the House of Representatives to promptly enact this important criminal legislation.

#### HABEAS CORPUS

Mr. LEAHY. Mr. President, last month's 5-4 Supreme Court decision in

*Boumediene v. Bush* reaffirmed our core American values, and served as a stinging rebuke to the Bush administration's flawed power grabs over the last 6 years. The Bush administration's repeated attempts to eliminate meaningful review of its actions by the Federal judiciary have again failed to withstand Supreme Court review. This decision is a vindication for those of us who have maintained from the beginning that the administration's detention policies were not only unwise, but were also unconstitutional.

In the wake of the tragic attacks on September 11, 2001, toward the beginning of President Bush's first term in office, this country had an opportunity to come together to show that we could bring the perpetrators of heinous acts to justice, consistent with our history and our most deeply valued principles. I and others reached out to the White House to try to craft a thoughtful and effective bipartisan solution.

Instead, this White House, supported by the Republican leadership in Congress, pursued its goal of increasing executive power at the expense of the other branches. In so doing, they chose a path that disregarded basic rights, lessened our standing in the world, trampled some of our most deeply held values, and brought us no closer to delivering justice to those who have injured us.

At a recent Senate Judiciary Committee hearing, which explored the mistakes and missed opportunities of the past few years, we heard from Will Gunn, a retired U.S. Air Force colonel and the former chief defense counsel of the Military Commissions. He believes that "many of our detention policies and actions in creating the Guantanamo military commissions have seriously eroded fundamental American principles of the rule of law in the eyes of Americans and in the eyes of the rest of the world." Kate Martin, the Director of the Center for National Security Studies, said that the administration's decision to ignore the law of war and constitutional requirements had proved to be "disastrous," and that "[d]isrespect for the law has harmed, not enhanced, our national security."

I agree with these sobering assessments. I think that we are less safe as a result of the Bush administration's policies.

Some of us have tried in vain for years to move this country away from this destructive course, but, ironically, it has taken a conservative Supreme Court to remind this administration that the President's claim to unlimited power to override our laws is wrong. *Boumediene* is only the latest example of the Supreme Court decisively rejecting the administration's illegal and misguided policies.

In 2004, the Supreme Court decided two habeas-related cases *Rasul* and *Hamdi*. In those cases, the Court rejected the Bush administration's reckless and ill-advised attempts to deprive citizens and noncitizens of their right

to challenge their indefinite detention in Federal court. I said at the time that these decisions "reaffirm the judiciary's role as a check and a balance, as the Constitution intends, on power grabs by other branches." I also called on the Republican-led Congress to "stop acting as a wholly owned subsidiary of this administration and to exercise its constitutional responsibility to rein in White House unilateralism and overreaching."

The following year the Republican-led Congress attempted to overrule the Supreme Court's *Rasul* decision by passing the Detainee Treatment Act, DTA. I spoke out against the habeas-stripping provisions contained in the DTA. I warned that "in order to uphold our commitment to the rule of law, we must allow detainees the right to challenge their detention in Federal court."

This effort to prevent people from using habeas procedures to challenge the basis for their detention in Federal court backfired. In a later decision in the *Hamdan* case the Supreme Court rejected the view that the DTA stripped the courts of jurisdiction over pending habeas cases. I applauded the *Hamdan* decision at the time as a "triumph for our constitutional system of checks and balances."

But once again, instead of following the Supreme Court's repeated reminders that our Government must respect our Constitution and laws, within weeks of the *Hamdan* decision, the last Congress, acting in complicity with the Bush administration, hastily passed the Military Commissions Act in the run-up to the 2006 mid-term elections. That bill sought, once again, to strip access to Federal courts for noncitizens determined to be enemy combatants or who were merely "awaiting determination." It aimed to take away habeas rights not just for detainees held at Guantanamo Bay, but also potentially for millions of lawful permanent residents working and paying taxes in this country.

I voted no. These were my words then:

Over 200 years of jurisprudence in this country, and following an hour of debate, we get rid of it. My God, have the Members of this Senate gone back and read their oath of office upholding the Constitution? [W]e are about to put the darkest blot possible on this Nation's conscience.

Regrettably, the Federal appellate court in Washington, DC the same court whose limited review was supposed to serve as a substitute for the Great Writ fumbled its opportunity to set things right. It held that the jurisdiction-stripping provisions did not violate the Constitution.

Those of us who recognized that Congress had committed a historic error when it recklessly eliminated the Great Writ of habeas corpus tried to reverse what had been done. But even with the support of several Republican Members of this body, Senator SPECTER and I fell 4 votes short of the 60 votes