

Mr. Ressay, even though it did terminate prematurely.

The judge said:

The message I would hope to convey in today's sentencing is two-fold: First, that we have the resolve in this country to deal with the subject of terrorism and people who engage in it should be prepared to sacrifice a major portion of their life in confinement.

Secondly, though, I would like to convey the message that our system works. We did not need to use a secret military tribunal, or detain the defendant indefinitely as an enemy combatant, or deny him the right to counsel, or invoke any proceedings beyond those guaranteed by or contrary to the United States Constitution.

The judge said:

I would suggest that the message to the world from today's sentencing is that our courts have not abandoned our commitment to the ideals that set our nation apart. We can deal with threats to our national security without denying the accused fundamental constitutional protections.

Despite the fact that Mr. Ressay is not an American citizen and despite the fact that he entered this country intent upon killing American citizens, he received an effective, vigorous defense, and the opportunity to have his guilt or innocence determined by a jury of 12 ordinary citizens.

Most importantly, all of this occurred in the sunlight of a public trial. There were no secret proceedings, no indefinite detention, no denial of counsel.

The tragedy of September 11th shook our sense of security and made us realize that we, too, are vulnerable to acts of terrorism. Unfortunately, some believe that this threat renders our Constitution obsolete. This is a Constitution for which men and women have died and continue to die and which has made us a model among nations. If that view is allowed to prevail, the terrorists will have won.

It is my sworn duty, and as long as there is breath in my body I'll perform it, to support and defend the Constitution of the United States.

That is the end of the statement by Judge Coughenour. This judge was appointed by a Republican President. He clearly speaks to constitutional principles which know no party bounds.

All of us, Republicans and Democrats, swear to uphold that same Constitution in our service to the Senate and our service to this Government. It is clear that in some cases the open and public trial which this accused, Ahmed Ressay, received in Seattle could never occur because of concerns over classified information, over concerns of security for individuals. But it is very clear that in this case extraordinary efforts were made to make certain that we said to the world, this man can be tried in open court, judged by a jury of 12 ordinary citizens and his guilt determined according to a system bound by the Constitution we have sworn to uphold.

I am humbled by the wisdom of this simple statement from this Federal judge. I hope it serves as a reminder to all that we must seek not only security in this time of peril, but we must seek it in a way that never imperils our basic freedoms in America.

DEFENSE AUTHORIZATION

Mr. DODD. Mr. President, during the consideration of the Department of Defense authorization bill, several of our colleagues offered an amendment concerning the treatment of prisoners. It was an important amendment. It was offered by Senator MCCAIN and Senator GRAHAM. Senator WARNER offered a related amendment. The McCain Amendment made it clear that the United States would not engage in conduct related to detainees and prisoners which could be characterized as "cruel, inhumane or degrading."

I salute my colleagues for their courage in stepping forward to address this very difficult and controversial issue. I hope when we return to the Department of Defense authorization bill, we will give them a resounding vote of support. They speak for all in their dedication to make certain that we live up to the rules of law and to the standards of American values which have guided us for so many decades.

I look forward to that debate. I thank them for their political courage in offering this to the Department of Defense authorization bill.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SHIELD LAW

Mr. DODD. Mr. President, I would like to briefly mention three items in these closing minutes before the Senate takes its traditional August break. One has to do with the legislation Senator LUGAR of Indiana and I have introduced in this Senate and its companion which has been introduced by Congressman PENCE and Congressman BOUCHER on a bipartisan basis in the other body. I refer to the so-called shield law bill, which we have offered to the Congress as a Federal proposal to complement the statutes that exist across the United States in 31 States as well as the District of Columbia. Eighteen other States have rules of law that provide some protections for reporters who rely on confidential sources for their stories.

This law Senator LUGAR and I are proposing in the Senate is only nominally about reporters. It is fundamentally about those who rely on the free flow of information in our society to gather important information that is critical for our democracy.

As we are about to take this recess for the next 4 or 5 weeks, we would do well to remember that a few short miles from where we are this evening, there is a reporter who sits in a prison cell. Her only offense is that she has

steadfastly refused to reveal a journalistic source. In a society such as ours, this should not be, in my view, an imprisonable offense. A free society obviously requires a free press. Thomas Jefferson once said that given the choice between a free government and a free press, he would choose the latter. Others, such as Madison, have suggested that in a nation where you do not have the free flow of information, it puts a nation at great risk.

That has been the tradition of our society for more than 200 years. We are entering dangerous territory in the 21st century when a reporter gets thrown in jail because she or he honors a commitment to keep a source confidential.

I believe it is time we enact a Federal shield law to mirror what 49 States and the District of Columbia have done by law or rule.

It is thought that our bill would absolutely guarantee under any and all circumstances that a reporter's sources ought to remain confidential. It does by and large protect that confidentiality. However, we create exceptions for national security. Obviously when there is no other means by which you could glean important information, the reporter should release the information that may be critical in a prosecution. But we try to keep sacrosanct that relationship between the source and the reporter. Again, not for the sake of the reporter, but for the sake of our citizenry, for the sake of the free flow of information which is critical in a democracy.

The distinguished chairman of the Judiciary Committee on which the Presiding Officer today serves held a very good hearing a few days ago. I commend the members of that committee. It was a very good participation by members of the Judiciary Committee who listened to various witnesses talk about a shield law.

This is not a liberal or conservative issue. As I mentioned, we have Congressman PENCE and Congressman BOUCHER in the House of Representatives. Congressman PENCE, a conservative from Indiana, Congressman BOUCHER a Democrat from Virginia, along with Senator LUGAR and I and others have introduced this legislation because as Senators and Congressmen, as American citizens, we believe it is important in our society that we have this free flow of information. Therefore, we are hopeful this body in the coming months before we adjourn sine die would enact a shield law.

I sat with an executive in the news business who told me the incarceration of Judith Miller, the reporter who is in jail tonight in Alexandria, is having an impact in his own newsroom. Reporters and their editors are thinking twice about going forward with stories, important stories, stories in the public interest, because they fear the harshest sanctions should a prosecutor knock on their door one morning and demand to know the sources of those stories. This

should not be happening in our country.

I hope we as a Senate will give this matter the attention it deserves. Senator LUGAR and I do not claim that the bill we have introduced is perfect. We welcome advice and counsel of our colleagues on how we might craft a good shield law. It is not a partisan issue. Senator LUGAR and I have a bill that has support on both sides of the aisle. We want to work with our colleagues to see this law be enacted. It is of fundamental importance to our country that we enact a strong and good and viable shield law at the national level.

TERRORISM RISK INSURANCE

Mr. DODD. Mr. President, the second issue I will mention briefly, in addition to the shield law issue, is terrorism risk insurance legislation. I speak as the author of the original legislation 3 years ago, which provided a backstop, not a bailout, for businesses in this country that rely on having terrorism risk insurance in major real estate developments and other major projects that are potentially vulnerable to attack.

That bill expires on December 31. It is critically important for American businesses and consumers that we enact this backstop legislation. It is important for our country, important that we provide the kind of insurance coverage that would allow some protection against a major catastrophe. Without that, we run the risk of major projects not going forward.

We had a briefing from major industries and others calling upon the Congress to extend the terrorism risk insurance law for the next 2 years. We need to sit down and try to determine whether we can establish some permanent partnership between public and private sectors in which we can guarantee to some extent, should a catastrophic event occur, we would be in a position to provide a backstop, some relief, under those circumstances.

None of us want to think about those events, but certainly the events in Spain in March of 2004 and Great Britain over the last several weeks and Sharm el Sheik over the last several days clearly indicate to all of us that we are living in a different world today.

Terrorism risk insurance is not like insurance against other hazards. By the very nature of terrorism, it is very difficult, if not impossible, to develop accurate models for terrorist events. They are inherently and extremely unpredictable. Good, solid business people will say a federal backstop is absolutely critical to sustain the kind of economic growth that is important to our nation's future. Jobs are at stake, major developments are at stake, major public gatherings at sporting events and the like are at stake without the ability to provide this critical insurance, terrorism risk insurance.

We have approximately 32 cosponsors of the bill I have introduced with Sen-

ator BENNETT of Utah. Most of the members of the Banking Committee are supportive. The chairman of the Banking Committee, Senator SHELBY, indicated he would like to work out a proposal in September to go forward. My hope is that will happen. We need the backing of the White House as well as the House leadership if that law is going to be enacted.

Terrorism risk insurance legislation will require real emphasis over these coming weeks and months if we are going to succeed in enacting this bill before December 31 when the present law expires.

DEFENSE AUTHORIZATION BILL

Mr. DODD. Lastly, I urge that when we return in September, the top item be the Defense authorization bill. I was terribly disappointed that we put aside that bill this week. I don't recall another event quite like that where we literally pulled the Defense authorization bill for special interest legislation. With men and women in harm's way, when we are at war, it was stunning to me we would replace that effort with the proposal to provide immunity, in effect, to gun manufacturers and dealers with the legislation that was enacted earlier this afternoon.

Putting aside my view on that bill, which I have expressed earlier this week, I am stunned that the Senate would prematurely cease action on legislation to help our men and women in uniform would get everything they possibly need—not to mention provide support for veterans, for survivors' families, and for the weapons systems that are essential to our national security. I found it unbelievable we would set aside that legislation in order to provide legal immunity for gun dealers and gun manufacturers in the United States. I have never seen anything like it in my service.

I recall once, last year, there was an effort to cease work on the Defense authorization bill in order to consider the class action reform bill, which I supported and was deeply involved in crafting. We succeeded in dissuading those who wanted to make that move. We went forward and completed the work on the Defense authorization bill. We did not do that this time.

I hope when we return in September the first order of business will be to complete the Defense authorization bill. It is critically important that people who serve in the military, those who are our veterans, those whose loved ones have made the ultimate sacrifice, those who have served and given their lives for our country, that they understand how important we think that legislation is. I urge my colleagues and the leadership to place that item as the No. 1 item when we return in September.

In closing, Mr. President, the shield law, terrorism risk insurance legislation, and the Defense authorization bill are three pieces of legislation I hope

will become priority bills when we return this fall.

I yield the floor.

AFRICA WATER

Mr. FRIST. Mr. President, diplomacy and foreign policy are essential pillars of our national security. They reflect the values, principles, views and interests of the American people. They are central to advancing the United States role and stature in the world.

This year, for the first time ever, we are earmarking specific funds in the Foreign Operations bill to advance a specific cause. This year, we are legislating a direct appropriation of \$200 million to advance the cause of clean water and sanitation—\$50 million specifically targeted toward Africa.

In America, we take clean water for granted. Water to drink. Water to bathe in. But in other parts of the world, clean water is a scarcity and the results are devastating.

Every 15 seconds a child dies because of a disease contracted from unclean water. Ninety percent of infant deaths are caused by unclean water. Water-related disease kills 14,000 people a day, most of them children. Millions more are debilitated and prevented from leading healthy lives.

Cholera, typhoid, dysentery, dengue fever, trachoma, intestinal helminth infection, and schistosomiasis can all be prevented simply by providing safe water and sanitation.

Unfortunately, reliable projections suggest that the problem is only growing worse. Water stress and water scarcity, leading to impure and disease borne water, is expected to increase. By 2025, upwards of two-thirds of the world's population may be subject to water stress.

Imagine living in a rural village in Sub Saharan Africa or East Asia where the village members share their water source with livestock.

Imagine being a grandmother like Mihiret G-Maryam from a small village in Ethiopia. She watched five of her grandchildren between the ages of three and eight die from water-related diseases.

Before the UK-based WaterAid organization intervened in her community, constant stomach pain and diarrhea were a fact of life. The foul smelling, contaminated water exposed Mihiret and her neighbors to parasitic diseases.

With no latrines, human waste was everywhere. As Mihiret testifies, "it was horrid to see, as well as being unhealthy."

Now, because of the education and investment of WaterAid, together with the local church, her village is clean and the people no longer suffer chronic stomach aches. Clean water has literally saved lives. And proper management and intervention can be a currency for peace and international cooperation.

I have been on numerous medical missions around the world and seen the