

stops at the White House with this bunch for only 116 more days.

# WE MUST PROTECT OUR BORDER COMMUNITIES FROM DIRTY AIR AND UNFAIR SANCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, we all know that pollution knows no boundaries. As much as we wish they could, the Border Patrol is not able to stop air pollution from coming over our international borders.

Right now, communities on our international border are being bombarded with pollutants from our neighboring countries. It is making air quality along the border even worse and leaves those communities with no recourse.

I introduced a bill, H.R. 4774, to provide Federal assistance to combat air pollution at the border, to ensure that our communities are not unfairly penalized.

Imperial County in my Southern California district, which takes up much of the U.S. Mexico border in the State, is severely impacted by air pollution because it sits in the middle of an air basin that straddles the international border with Mexico.

Mexico simply does not have the same strict air quality standards as does the United States. Imperial County has not met national and State air quality standards as a result, so any air pollution created in the international air basin has serious consequences for the health of my community's citizens.

I have deep concerns about a recent Federal Court ruling regarding the air quality of Imperial County and the subsequent actions on the part of the Environmental Protection Agency.

Imperial County has demonstrated to EPA that the county would have only moderate pollution were it not for serious air pollution from Mexicali, Mexico. EPA agreed. However, outside groups took EPA to court and they ruled in turn that Imperial County's air pollution should indeed be classified as serious.

This is a devastating ruling for Imperial County. Unemployment averages 20 to 30 percent. The ability to attract new employment opportunities will be greatly hindered. Economic development will be halted. Agricultural activities will not be able to begin.

□ 1700

The chaos and expense to Imperial County will not address the real cause of nonattainment: cross-border pollutants.

Imperial County has an asthma rate that is off the charts, the worst in the State, probably the worst in the Nation. Asthma-related hospitalization rates are five to six times greater than the overall rate in California. This sta-

tistic is a statistic that I and many others in our community are fighting to change, but we cannot change it if we are not pushed to work with our neighbor to the south.

For that reason, I introduced the bill H.R. 4774, the FAIR Air Act, fair meaning the Foreign Air Impact Regulation, which will compel the United States at the Federal level to work more closely with our neighbors in trying to reduce air pollution. This bill says that if pollution from another country causes nonattainment of pollution regulations, EPA and the Secretary of State should work together to lower it; do not put it on the backs of the farmers and the working people in Imperial County.

My bill would direct the Secretary of State to negotiate with his or her counterparts in the foreign country to develop a plan to improve air quality. It requires EPA to deliver a report to Congress that lays out the agreed-upon binational steps with binational funding to back it up, those steps to improve the air quality in the region; and directs the EPA to take action to help the region implement the plan; and, finally, delays EPA's authority to move border air quality regions to a higher pollution nonattainment status until the previous items have been completed.

We simply cannot put this international problem on the backs of those who simply happen to live along the border. There truly needs to be a binational cooperative solution. We live in the same air shed, and we are interested in good neighborly relations.

I am fighting to help our binational communities come into compliance with air quality standards with help from both sets of governments. It is only with cooperation and working together to achieve a common goal that we can indeed reduce air pollution and keep the children in Imperial County from suffering from asthma.

Mr. Speaker, H.R. 4774, the FAIR Air Act, will help to achieve that purpose. I urge my colleagues to support that bill.

# INTERNATIONAL COURT OF JUSTICE RULES AGAINST ISRAEL'S RIGHT TO PROTECT ITSELF

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today the so-called International Court of Justice, which I think would be better named the "International Court of Injustice," ruled against Israel putting up a security fence, which she put up in order to protect her people against suicide bombers.

No condemnation from the "International Court of Injustice" about suicide bombers and the killing of innocent civilians and the terror campaign that has been waged against Israel by

the Palestinians for the past 3 years. No talk about the children, the schoolchildren who have been blown up as they go to school on buses, or the pregnant women that have been killed because of Palestinian terror. But only, once again, a ruling condemning the State of Israel.

I do not think that any Nation, having the need to protect its citizens, would act any differently than the State of Israel in putting up this fence to keep suicide bombers out. It is hypocrisy for the International Court of Justice, it is hypocrisy for the United Nations, the hypocrisy of these countries that would have one standard for the State of Israel and one standard for every other country.

Other nations have fences, yet we hear no condemnation towards those countries from the International Court of Justice. India, Saudi Arabia, Turkey all have fences to deal with insurgencies or terrorism, but yet the very countries that condemn Israel for the same thing, we hear nary a peep from them about other countries.

The International Court of Justice should not have even heard this case. But, again, of course, they have one separate standard for the State of Israel and one separate standard for every other country.

Today's decision by the International Court of Justice is in itself a travesty of justice. The Israeli security barrier is not only protecting innocent Israeli civilians from terrorism; it is allowing Palestinians to achieve a greater degree of normalcy as Israeli checkpoints have been removed and terrorists are less able to pass through Palestinian communities.

The Prime Minister of Israel's disengagement plan endorsed by our country, the European Union, the United Nations, and Russia was based in large part on steps by Israel to achieve greater security, including the establishment of this temporary security fence. As soon as Palestinian terrorism ends, there will no longer be a need for this antiterrorism banner. The ruling of the ICJ sets back the Middle East peace process by undermining the disengagement plan and the road map.

The Israeli Supreme Court recently ruled that the security barrier is a legitimate and legal tool to prevent terror, but that there must be a balance between security and the impact on Palestinian communities. I cannot comprehend why an international tribunal has taken up and now reached a decision on a case which had already been competently handled by a national court.

Now, this decision is merely advisory. I call upon the members of the United Nations General Assembly to correct this mistake by not taking up a resolution to implement the recommendations of the International Court of Justice. If they do, the United Nations will once again show that it is not functioning the way it was intended; that instead of being an impartial group, it is leaning heavily on one

side, and as Abba Eban, the late Foreign Minister of Israel, used to say, you could have a resolution at the United Nations saying that the Earth is flat, and if it were put forward by an Arab country, it would automatically get 70 or more votes.

The fence that Israel has put up is a fence that any nation would put up to defend its people and keep terrorism away. Just as we in the United States are doing everything possible to prevent another terrorist attack on our country, Israel has every right to do the same thing to prevent terrorist attacks on its country. Terrorism is a terrible tool that some think can be used as a negotiating tool. We must stomp out this scourge of terrorism wherever it rears its ugly head.

I commend Israel for the security barrier, and I condemn the "International Court of Injustice" for once again showing that they are nothing more than a travesty of justice.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of personal reasons.

Mr. BOYD (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of family responsibilities.

Mr. EMANUEL (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Mr. GREEN of Texas (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of personal reasons.

Ms. LOFGREN (at the request of Ms. PELOSI) for today after 12:30 p.m. on account of a family commitment.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today after 2:10 p.m. on account of official business.

Mr. REYES (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. CULBERSON (at the request of Mr. DELAY) for today on account of illness.

Mr. GERLACH (at the request of Mr. DELAY) for today on account of official business.

Mr. GUTKNECHT (at the request of Mr. DELAY) for today after 11:00 a.m. through 6:00 p.m. on July 13 on account of the death of his father.

Mr. TAUZIN (at the request of Mr. DELAY) for the week of July 6 on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and

extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, July 13.

Mr. PENCE, for 5 minutes, today.

Mr. OXLEY, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

#### SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers, and for other purposes; to the Committee on Energy and Commerce.

#### ADJOURNMENT

Mr. ENGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 2004, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8976. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Kevin P. Green, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8977. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Michael D. Malone, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8978. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade indicated in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

8979. A letter from the Acting Under Secretary, Department of Defense, transmitting two enclosed reports, the first report is the Department of Defense Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Program Annual Report, the second is the Department of Defense CBRN Defense Program Performance Plan for Fiscal Years 2003-2005, as required by H. Rpt. No. 106-945 and S. Rpt. 108-46, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

8980. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2002 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

8981. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2004-36 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2003, to the present; jointly to the Committees on International Relations and Appropriations.

8982. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2003, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

8983. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill "To amend title 38, United States Code, to improve the authorities of the Department of Veterans Affairs relating to compensation, dependency and indemnity compensation, life insurance benefits, memorial benefits, and education benefits, and for other purposes"; jointly to the Committees on Veterans' Affairs and Armed Services.

8984. A letter from the Chairman, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8985. A letter from the Administrator, General Services Administration, transmitting proposed legislation to authorize the transfer of the Nebraska Avenue Complex (NAC) from the U.S. Navy to the General Services Administration (GSA) for the use of the Department of Homeland Security (DHS); jointly to the Committees on Armed Services, the Judiciary, Transportation and Infrastructure, and Homeland Security (Select).

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 4600. A bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions; with an amendment (Rept. 108-593). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce