

she, along with other girls, were forced to beat an old woman to death. After living that nightmare, she then was taken to southern Sudan, trained by the Arabs, as she called them, and forced to fight for Khartoum against the Sudanese People's Liberation Army.

Grace escaped this terrorist group and the Sudanese forces, and on her own made her way to a safe place in Uganda. She will be going to school next year here in the United States. However, as moving and heroic as Grace's story is, it is the extreme exception. The more common and familiar story for a young Acholi girl captured by this terrorist outfit is rape, other physical brutality, slavery, and a broken life.

Mr. Speaker, with approval of this resolution today, Congress will stand fast in the face of the horrors perpetrated directly or indirectly by Khartoum by demanding an end to the conflict in northern Uganda. We will also strongly signal to the administration and to the international community that every possible step must be taken to protect peace and the security of these children.

Mr. Speaker, I urge all of my colleagues to support this important bill.

Mr. Speaker, we have no further speakers on this side, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume, and I will conclude.

The conflict in northern Uganda does not receive much attention in the press; and, frankly, it does not receive the attention it deserves.

Today, the U.S. Congress is speaking out, going on record in saying that we have an interest in helping to stop the savagery that is devastating so many lives.

I want to just take a moment and thank my colleague, the gentleman from California (Mr. LANTOS), for his support on this resolution, but wider than that, for his leadership on so many of the most vexing and troublesome of gross human rights violations around the world which he has consistently brought to the world's attention.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 2264.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

# DEPLORING MISUSE OF INTERNATIONAL COURT OF JUSTICE BY UNITED NATIONS GENERAL ASSEMBLY FOR POLITICAL PURPOSE

Mr. PENCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 713) deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 713

Whereas the Israeli people have suffered through a three-year campaign of terror that has included suicide bombings, snipers, and other attacks on homes, businesses, and places of worship and has resulted in the murder of more than 1,000 innocent people since September 2000;

Whereas more than 50 United States citizens have been killed and more than 80 United States citizens injured by Palestinian terrorists in Israel, the West Bank, and Gaza since 1993;

Whereas President George W. Bush said in October 2003 regarding Israel's right to self-defense that "Israel must not feel constrained in terms of defending the homeland";

Whereas international law, as expressly recognized in Article 51 of the United Nations Charter, guarantees all nations an inherent right to self-defense;

Whereas United Nations Security Council Resolution 1373 (2001), relating to international cooperation to combat threats to international peace and security caused by terrorist acts, and statements by representatives of other countries at that time, make clear that Article 51 of the United Nations Charter applies to self-defense against actions by terrorist groups against the civilian population of any country;

Whereas a security barrier, capable of being modified or removed, is being constructed by Israel in response to an ongoing campaign of terror against its people and has resulted in a dramatic decline in the number of successful terrorist attacks;

Whereas on December 8, 2003, the United Nations General Assembly adopted, through a plurality rather than a majority vote of member nations, Resolution ES-10/14 which requested the International Court of Justice (ICJ) to render an opinion on the legality of the security barrier;

Whereas the United States, Australia, Belgium, Cameroon, Canada, the Czech Republic, the Federated States of Micronesia, France, Germany, Greece, Ireland (for itself and in addition on behalf of the Member States and Acceding States of the European Union), Italy, Japan, the Marshall Islands, the Netherlands, Norway, Palau, the Russian Federation, Spain, Sweden, Switzerland, and the United Kingdom submitted objections on various grounds against the ICJ hearing the case or expressing concerns about the advisability of the publication of an advisory judgment;

Whereas a June 30, 2004, decision of a panel of the Israeli Supreme Court, headed by its President and sitting as a High Court of Justice, called on the Government of Israel to take Palestinian humanitarian concerns further into account in the construction of the

barrier, even if doing so resulted in greater security risk to Israeli citizens, and accordingly required the Government to alter the route of a specific portion of the barrier near Jerusalem in order to accommodate Palestinian humanitarian concerns;

Whereas the Government of Israel immediately stated that it would respect the decision of its High Court of Justice and has taken action to implement that decision;

Whereas the Government of Israel has expressed its commitment that the security barrier is temporary in nature and will not prejudice any final status issues, including final borders;

Whereas on July 9, 2004, the ICJ said in a non-unanimous, non-binding advisory judgment that Israel's security barrier, to the degree it was built outside the pre-June 1967 borders, was illegal and should be dismantled, and that Article 51 of the United Nations Charter did not apply to Israeli actions in self-defense with respect to violence emanating from the West Bank;

Whereas on July 11, 2004, less than two days after the ICJ's advisory judgment, Israeli civilians were murdered by Palestinian terrorists;

Whereas the Palestinians, along with other parties and states, may attempt to use the ICJ's advisory judgment to advance their positions on issues committed to negotiations between the Israelis and Palestinians by advancing resolutions in the United Nations General Assembly, the Security Council, or elsewhere calling for the removal of the barrier and for the imposition of sanctions to force Israel to comply with the advisory judgment; and

Whereas the administration of President Bush has reiterated its position that the ICJ should not have agreed to decide a political issue of this nature that should, rather, be resolved through the Roadmap process leading to a negotiated agreement between Israel and the Palestinians: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its steadfast commitment to the security of Israel and its strong support of Israel's inherent right to self-defense;

(2) condemns the Palestinian leadership for failing to carry out its responsibilities under the Roadmap and under other obligations it has assumed, to engage in a sustained fight against terrorism, to dismantle the terrorist infrastructure, and to bring an end to terrorist attacks directed at Israel;

(3) calls on Palestinians and all states, in the region and beyond, to join together to fight terrorism and dismantle terrorist organizations so that progress can be made toward a peaceful resolution of the Israeli-Palestinian conflict;

(4) deplores—

(A) the misuse of the International Court of Justice (ICJ) by a plurality of member nations of the United Nations General Assembly for the narrow political purpose of advancing the Palestinian position on matters Palestinian authorities have said should be the subject of negotiations between the parties;

(B) the July 9, 2004 advisory judgment of the ICJ, which seeks to infringe upon Israel's right to self-defense, including under Article 51 of the Charter of the United Nations, and which projects a message of international indifference to the safety of Israeli citizens that can only be detrimental to prospects of achieving a negotiated peace;

(5) regrets the ICJ's advisory judgment, which is likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict;

(6) commends the President and the Secretary of State for their leadership in marshaling opposition to the misuse of the ICJ in this case;

(7) calls on members of the international community to reflect soberly on—

(A) the steps taken by the Government of Israel to mitigate the impact of the security barrier on Palestinians, including steps it has taken by order of its High Court of Justice, without being required to do so by the ICJ; and

(B) the damage that will be done to the ICJ, to the United Nations, and to individual Israelis and Palestinians, by actions taken under color of the ICJ's advisory judgment that interfere in the Roadmap process and impede efforts to achieve progress toward a negotiated settlement between Israelis and Palestinians; and

(8) Urges all nations to join the United States in international fora to prevent the exploitation of the ICJ's advisory judgment for political purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PENCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

GENERAL LEAVE

Mr. PENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 713, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, we come tonight just almost 1 week after truly a dark day in the history of international justice and in the course of this debate and I trust in the course of this Congress' deliberations over H. Res. 713, deploring the misuse of the International Court of Justice by a plurality of the United Nations General Assembly for a narrow political purpose. I hope that we will have the opportunity to elaborate the genuine significance of the decision by the International Court of Justice relative to the construction of a security fence by the government of Israel.

I intend in the immediate here, before I make any extensive remarks, to yield to my superior and a woman without whose leadership on this issue we would not be here tonight; but let me say by way of context, Mr. Speaker, that when by a 14 to 1 decision the International Court of Justice condemned the construction of a wall being built by Israel and described Israel as an occupying power in occupied Palestinian territory, it was most assuredly a dark day and a day of disgrace for the International Court of Justice.

Mr. Speaker, it is my profound privilege to yield such time as she may con-

sume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on the Middle East and Central Asia, a woman who is not only a distinguished member of this institution, but perhaps one of the most clarion voices in America on behalf of our precious alliance with the people and the nation of Israel.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentleman from Indiana (Mr. PENCE), for the undeserved praise and for his nice demeanor in yielding me such time in the beginning of the discussion on this important resolution before us tonight.

I rise in strong support of H. Res. 713, a resolution deploring the misuse of the International Court of Justice by the Palestinians. I want to commend the leadership for moving this measure expeditiously to the floor, and I thank the gentleman from Indiana (Mr. PENCE) for his efforts in making this a reality tonight.

I am proud to be an original cosponsor, Mr. Speaker, and I urge my colleagues to vote in favor of this as a sign of our displeasure with the politicization of the International Court of Justice for Palestinian terrorist purposes.

□ 2130

Mr. Speaker, I wish that there were no need for such a resolution tonight. I wish that innocent civilians were not routinely murdered and injured by Palestinian terrorists inside of Israel. Yet those responsible for these painful, agonizing injuries celebrate their terror with virtual impunity from the international community as they manipulate mechanisms such as the International Court of Justice to rule in their favor.

As Hamas, Islamic Jihad, and Arafat's Fatah said in a joint statement following the advisory opinion of the International Court of Justice, "We salute the court's decision. This is a good step in the right direction." For Palestinian terrorists and their supporters, the door has been further opened.

This past Sunday, less than 2 days after this deplorable decision by the International Court of Justice, this advisory opinion, there was an explosion at a Tel Aviv bus stop which injured 32 innocent civilians and killed one young woman.

Among those injured was Saami Masrawa, an Israeli Arab who leads an Arab-Jewish friendship group in the Israeli area. Saami Masrawa had previously participated in a demonstration opposing the security fence. But after Sunday's bombing he recognizes the value of Israel's security barrier, and he has publicly stated, "I will now be for it and form an organization in favor of it."

Mr. Speaker, the barrier is not the issue. Terrorism and the Palestinian's addiction to death are the problems. They must find a leadership free from this kind of terror, free from corruption, free from the idea that terrorism

will achieve its political objectives. The notion that terrorism is a legitimate form of interaction with Israel must be abandoned forever.

The construction of the security barrier must be understood as a measured response by Israel to the Palestinians' refusal to abandon terrorism and to surrender its use as a strategy. It is a sign that all Israelis demand that the Palestinians change their ways and make this change now.

Across the political spectrum, Israelis support the construction of the barrier as a way to ensure the safety of the Israeli people and of the nation itself.

It is appalling to see how the United Nations forced this recent judgment by the International Court of Justice. Not only did the issue of the nonbinding opinion last week state that Israel should remove its security fence, but the judges placed into question Israel's right to defend herself.

My colleagues, this right of sovereign nations to provide for its security and that of its people, and to defend against threats against it, is a right accorded to all nations. Unfortunately, the recent opinion seems to draw an exception when it comes to Israel. This is outrageous.

The judges of the Court added insult to injury by suggesting that this basic right of all sovereign nations did not apply because Palestinian terror groups are subnational actors; that is, not nation states.

This reference further minimizes the brutal and abhorrent acts committed by Palestinian terrorists against innocent Israelis. It undermines the actions taken by the United Nations following the terrorist attacks against our own Nation on September 11. It emboldens the terrorists to intensify their brutality and violence against free democratic nations such as Israel and the United States.

Mr. Speaker, it is clear from this process that the International Court of Justice has become politicized, and it is manipulated by the Palestinians for their own evil purposes.

This resolution that I had the pleasure of drafting with my colleagues on the Committee on International Relations, especially the gentleman from Indiana (Mr. PENCE), addresses this critical issue. It underscores the security barrier is necessary. Israel has the responsibility to protect its people, and the fence has proven to be successful in doing so.

No nation, no international body can claim a right to act in judgment over Israel's sovereign right to protect her people. That the Palestinians of all people question the inherent right of self-defense of Israel from their very tactics of terror is absurd and even Orwellian. The very people launching the attacks against Israel are saying that Israel cannot and should not defend herself.

This judgment by this International Court of Justice is an injustice to

Israel. It is a dishonor to close to 1,000 innocent victims of Palestinian violence since 2000. I call on my colleagues and all Democratic nations to join together to prevent this perpetuation of injustice.

I want my colleagues to look at this poster. I call on our allies and partners, as they consider upcoming resolutions at the U.N. General Assembly seeking to impose the ruling on Israel, to think about the young faces, the old faces printed here on this poster. These are just some of the victims of Palestinian terrorism: babies, middle-aged, young, older Israelis, all innocent victims of Palestinian terrorism.

I want our allies and friends to think of Assaff Tzur. This was a 17-year-old Israeli boy who was just recently murdered, so recently that his name is not on this poster. He was killed in a bus bombing on March 5, 2003, on his way back from school.

I met with the father today of Assaff, as well as with other survivors of terror attacks and with families of Israeli victims of Palestinian terrorism. There was one common theme. There were mothers and fathers and sisters and brothers, and they said the security barrier could have helped prevent the murder of their daughters, sons, sisters, brothers, grandchildren, fathers and mothers.

In the case of Assaff Tzur, the suicide bomber who murdered him and 15 others on March 5, 2003, today would not have been able to cross into Israel to carry out this attack thanks to the border that stands today. Today, there is a security barrier that prevents terrorists from crossing into that section of Haifa and would have prevented the murder of Mr. Assaff Tzur, 17 years of age.

I think this reality summarizes the need for an overwhelming vote in favor of the resolution of the gentleman from Indiana (Mr. PENCE), House Resolution 713. Let us send a clear message to the international community of where we stand as a nation. We call on them to side with us and with all democratic nations to side with the victims of terrorism, these faces, and not with the terrorists. The hypocrisy must end. Israel must be allowed to protect herself and remain safe from this kind of terrorism once and for all.

I thank the gentleman from Indiana (Mr. PENCE) for calling attention to this atrocity, and I ask my colleagues to vote "yes" on the Pence resolution before us tonight.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her passion and her leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this all-important resolution.

First, I want to pay tribute to my good friend, the gentleman from Indiana (Mr. PENCE), for taking the leader-

ship on this all-important issue, and to my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her powerful, persuasive, passionate statement. I also want to thank, on our side, the gentlewoman from Nevada (Ms. BERKLEY), for her leadership on this issue, and our Democratic whip, the gentleman from Maryland (Mr. HOYER), for his passionate dedication in crafting this legislation.

Mr. Speaker, last Friday, the International Court of Justice ruled that the security fence being constructed by Israel was a violation of international law and called for its dismantlement. Mr. Speaker, I traveled across that fence, and if I had not been persuaded prior to my physical inspection of the fence that it is a desperately needed security measure, my trip along that fence convinced me forever.

Just ask yourself how you would feel if in a neighboring community or across the street there are terrorist gangs who systematically come over to your side and blow up restaurants, places of worship, offices, stores, every facility conceivable. Bus stops. Just anyplace where they can kill innocent human beings. You would be in favor of building a security fence. And the ultimate hypocrisy of this International Court of Justice's decision literally turns my stomach.

This ruling was a perversion of justice that infringes on Israel's inherent and basic right of self-defense, and it willfully and cynically ignores Israel's recent success in reducing terrorism, thanks mainly to its security fence.

The International Court favored the suicide bombers over their innocent victims when they issued this mindlessly politicized decision. They only succeeded in severely diminishing their stature and authority, which I deeply regret.

Let me illustrate, Mr. Speaker. The security fence brought significant relief to the innocent men, women and children who are blown up by terrorists. From September 2000, when the intifada broke out, through 2003, there were more than 80 suicide bombings with Israeli targets. This year, with the fence now playing an important deterrent role, there have been only four. Now, one is too much, but there is a dramatic reduction from that vast number of successful suicide bombings to the much smaller number today.

Does this success mean that suicide bombers are giving up? Of course not. But Israel was successful in preventing some 58 suicides bombing attempts within the West Bank just in the last 6 months. The main reason is that the fence is giving Israeli security forces more time to react and to prevent terrorist attacks.

The record in Gaza, Mr. Speaker, is even better. With the help of the security fence, there has been only one deadly suicide bombing that originated from there in recent years.

Do the judges of the International Court care a whit for the well-being of

the average Israeli citizen? Regrettably, the evidence suggests that the majority of them clearly do not. Mr. Speaker, this International Court decision sends a message, and here I quote from the resolution, that there is an international indifference to the safety of the citizens of Israel. This is not only morally offensive, it is potentially politically disastrous for the very feeble peace process.

□ 2145

How are Israelis supposed to have the confidence to make peace if the international community that so enthusiastically urges them to make concessions is so callous as to whether they live or die?

Mr. Speaker, the international court's opinion highlights the dangers of an international court dealing in abstractions without full information or full briefing from the parties involved. In the first place, Mr. Speaker, the court should never have taken up this case. In the U.N. General Assembly, the resolution passed with support from less than a majority of members of the General Assembly. And during the proceedings, the United States and many of our European friends objected to the court's consideration of this case. But the court did not heed prudence. Instead, it eagerly embraced recklessness and injustice.

The court did not take into account the fence as it is. The court took its decision and wrote its judgment deliberately oblivious to the fact that the Israeli Supreme Court was adjudicating cases about the fence. Indeed, the Israeli Supreme Court has considered challenges by Palestinians on the routing of the fence and has obligated the Israeli military to relocate the fence to take into concern more fully the humanitarian needs of the Palestinians. Indeed, Israel's Supreme Court actually revoked military orders that had been issued, a virtually unprecedented step.

And unlike the international court, the Israeli Supreme Court has the power to enforce judgments. Despite the understandable controversy that the Israeli Supreme Court's decision provoked in Israel, understandable because it will cost Israeli lives, the Israeli government immediately announced that it will comply with the decision of its own Supreme Court. In fact, implementation has already begun.

Mr. Speaker, Israel is the only state in the Middle East where an Arab can take his government to court and stands a good chance of winning. But, Mr. Speaker, the language of the international court's opinion suggests that Israel has no right of self-defense although it clearly has that right under article 51 of the U.N. charter against terrorist groups that kill innocent civilians.

I fully support Israel's right to build a fence to protect itself from the plague of terrorism, and I call on our

administration and all members of the U.N. Security Council to reject any effort to look for Security Council validation for this repugnant international court ruling should such a misguided effort be made.

Mr. Speaker, I strongly support the resolution. I urge all of my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

In the last 4 years, Palestinian terrorists have attacked Israel's buses, cafes, discos and pizza shops, murdering over 1,000 innocent men, women and children. Despite this unprecedented savagery, as former Prime Minister Benjamin Netanyahu wrote in the New York Times earlier this week, the International Court of Justice's 60-page opinion mentions terrorism only twice, and only in citations of Israel's own position on the fence.

This court has become a mockery of justice and an international disgrace.

Mr. Speaker, it is my privilege to yield 3 minutes to my colleague, the gentleman from Indiana (Mr. SOUDER), another advocate of our strong and historic relationship with a free and democratic Israel.

Mr. SOUDER. I thank my colleague from Indiana for his leadership and emerging as a strong spokesman for the State of Israel and also my colleague from California (Mr. LANTOS) who has crusaded for years and has been a personal example to many of us in standing up to the persecution of Jews throughout the world.

This week, the International Court of Justice, under dubious jurisdiction, ruled that Israel's security fence was illegal. In essence, the ruling declares that Israel has no right whatsoever to defend itself, protect its people, or to live at peace. Israel did not want to build a fence. I am sure that they would have preferred to spend the time and money on something else. Unfortunately, terrorist attacks and an unwillingness or inability by the Palestinian Authority to rein in those terrorists forced Israel to construct the fence.

Whereas the Palestinian Authority has been unsuccessful, the fence has proven to be effective in combating the waves of homicide bombers that once flooded Israel with death and destruction. The number of successful attacks has fallen significantly. Innocent lives have been saved.

The international court does not seem to care about saving lives. It would rather assist the terrorists. It would rather promote religious bigotry. It would prefer that Israel throw its hands in the air and surrender to certain annihilation. Before, during and after the ICJ case, Israel has borne the brunt of unmitigated hatred from the world community. Only Israel is at fault, only Israel kills, only Israel is intransigent on the peace process.

How many innocent Israelis have to be killed while riding on a bus, sitting

in a cafe, or walking down the street? Too many to count. Who refuses to stop terrorist organizations such as Hamas and Hezbollah? The Palestinian Authority's inaction is a resounding refusal.

Rather than waiting for the Palestinian Authority to do something, Israel has decided to protect children walking to school, mothers shopping for groceries, and commuters riding the bus to work. No one questions our right to protect our citizens, but apparently the ICJ believes convenience for the Palestinians trumps the right of the State of Israel to protect its citizens.

The international community has blinded itself to the criminal and terrorist activities of Israel's neighbors and the residents of the West Bank and Gaza Strip. There has been no condemnation of homicide bombers. There has been no condemnation of persecution of religious minorities in areas controlled by the Palestinian Authority. There is no condemnation of Arab treatment of Palestinians in other Middle Eastern countries. Only Israel is singled out for criticism.

The fact that Israel alone is criticized for so-called human rights violations and for the persecution of Palestinian Arabs shows, in my opinion, that religious bigotry rather than a true sense of justice and fairness is what has been driving this issue. A just and fair examination would question where millions of dollars in aid given to alleviate Palestinian poverty has gone. A truthful assessment would also recognize Israel as a democracy in sea of autocratic states. A balanced portrait of the situation would show that Israel's Arab minority enjoys full citizenship in Israel. Can the same be said of Jews outside Israel? Can the same be said of Palestinian Arabs living in other Middle Eastern states?

The International Court of Justice has ruled that they would prefer a Middle East without Israel. They would rather see a democratic state where all people can live, work and practice their religion disappear from the face of the Earth. Most assuredly if the security fence is dismantled, Israel's right to self-defense will be dismantled right along with it. Do not be fooled by the enemies of Israel. They will not be satisfied by the dismantling of the fence. They will only be satisfied when Israel is gone.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY), who has been the leader on this issue on our side.

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of this resolution and wish to thank Chairman HYDE and Ranking Member LANTOS for their extraordinary leadership on this issue. I would also like to thank the gentleman from Maryland (Mr. HOYER) for his efforts and a special thank you to the gentleman from Indiana (Mr. PENCE) for his work and his dedication to protecting Israel.

On Friday, July 9, the International Court of Justice handed down an advisory opinion condemning Israel's security fence and declaring its construction illegal. This biased decision is the latest in a long line of blatantly anti-Israel actions by the international community. This nonbinding advisory opinion should be recognized for what it is, a thinly veiled effort to hijack a respected international body solely for the narrow purpose of condemning the State of Israel for its efforts to protect its innocent citizens from suicide bombers.

The issue before us goes far beyond continued Palestinian terrorism. The issue is the use of the ICJ to condemn Israel for acting in its own defense.

The issue is the court being asked to adjudicate a case that should never have been before the court in the first place. The International Court of Justice was not the proper forum for discussing Israel's response to continued Palestinian terror. The United States joined 25 other nations, Australia, Belgium, Cameroon, Canada, the Czech Republic, Micronesia, France, Germany, Greece, Ireland, Italy, Japan, the Marshall Islands and others in submitting objections against the court hearing this case. Twenty-five nations in all.

When the United Nations General Assembly asked the court to address only one aspect of an ongoing conflict, it deliberately made Israel and its security fence, rather than continuing Palestinian terrorism, the issue. Congress must speak on this issue, and we need to speak clearly. We must condemn the politicizing of international organizations and oppose the hijacking of multilateral entities for political purposes. We must ensure that international entities like the ICJ can continue to advance peace and security and work to resolve conflicts.

Under article 51 of the U.N. charter, all nations possess an inherent right to self-defense. However, the ICJ rejected the argument that Israel's security fence falls within this right to self-defense. In the last 3½ years, nearly 1,000 Israelis have been killed by suicide bombers coming from Palestinian territories. Since 1993, over 50 United States citizens have been killed and 80 more have been wounded by these same murderers.

I wear on my arm a band commemorating one of the United States citizens that was killed by a Palestinian terrorist bomber. Children have been targeted on their way to school. Families have been destroyed as mothers have been killed riding buses. Israel has been living under a state of siege, with its reserve military forces activated and checkpoints set up. Yet the court claims that Israel's right to self-defense does not apply. Does not apply? What better case could there be for the right of self-defense?

The implications of this interpretation are staggering. By ruling that article 51 of the charter has no relevance

outside of armed attack by one state against another, U.S. sanctions against the Taliban or al Qaeda could no longer be justified as self-defense. Using the court's logic, Spain would not be able to defend itself against another tragic train bombing. Using the court's logic, our Marines are forbidden under international law from defending themselves against warlords and terrorists. Using this court's logic, the United States cannot respond to the tragic bombing of the USS *Cole*.

What kind of logic is this? Are nations no longer permitted to fight terrorism and protect their own citizens? It is incomprehensible to me why Israel continues to be singled out. Saudi Arabia has built a nearly 75 kilometer barrier on their border with Yemen to halt the smuggling of weapons into the kingdom. India is completing a 460-mile electrified barrier in the contested Kashmir area to halt infiltrations by terrorists. And Turkey built a barrier in an area that Syria claims as its own.

Why have these security fences not been brought to the International Court of Justice? Why has the United Nations been silent on these issues? Is Israel's right to self-defense less valid than that of the Saudis, the Indians, the Turks? I think not. And are Israeli lives less valuable than Saudi lives, Indian lives, Turkish lives, American lives? I think not.

The solution to resolving this conflict lies in Gaza and Ramallah, not in Manhattan or The Hague. The path to a lasting peace lies in fulfilling the terms of the road map, which begins with a rejection of terrorism and incitement, a dismantling of the terrorist infrastructure, and real reform by the Palestinian authority.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from California for yielding time to me, and I rise in strong support of this resolution. I want to thank the gentleman from Indiana for the wonderful work that he has done on this resolution and indeed the wonderful work he does on our Committee on International Relations.

I spoke on the floor last Friday after the so-called International Court of Justice rendered its decision. I said at the time that they should rename themselves the International Court of Injustice because their decision is truly a travesty of justice. What hypocrisy. What a double standard. Again, one standard for Israel and one standard for everybody else.

As the gentlewoman from Nevada pointed out, Saudi Arabia, Turkey, and India have built fences. Not a peep from the international community or the court of justice about those fences. Israel has built a fence to defend its citizens. This decision from the International Court of Justice comes down. Not a word about suicide bombings.

Not a word about terrorism. Not a word about a nation defending its right to exist and defending its citizens.

□ 2200

What is a nation supposed to do? What is more important to be a nation than to defend the rights of its citizens, the killing of innocent civilians that Palestinian terror has done? A nation has a right to defend itself, and that is why I support Israel's security fence.

I have been there. I have seen the fence firsthand. It stops terrorism. It works. And it not only works for Israelis by preventing terrorism, it is working for the Palestinians. Because of the fence, on the Palestinian side life is getting back to normal. The checkpoints are going away. So it is benefiting both sides.

They talk about Israel building the fence. Do my colleagues know who built that fence? Yasser Arafat built that fence. Palestinian terrorists built that fence. If terrorism would end, there would be no need for a fence. And yet the hypocrisy of the International Court of "Injustice" condemning Israel for trying to defend its citizens.

I again strongly commend the gentleman from Indiana and urge all my colleagues here to support this very important resolution. Terrorism is terrorism, and security is security. Israel should not be treated differently than any other nation.

Mr. LANTOS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Mrs. CAPPS), my neighbor and colleague.

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to express very serious concerns about the resolution before the House. I state these reservations as a strong friend and supporter of Israel. I speak as someone who condemns terrorism, especially the horrific practice of suicide bombing, with every fiber of my being, and I speak as someone who supports Israel's right to build a security fence along the Green Line.

But, sadly, as the House once again attempts to demonstrate its full support of Israel, we will pass an unbalanced, unwise resolution that may undermine the interests of Israelis and Palestinians as well as our own national interests.

I believe this resolution needs some changes. For example, it appropriately references the 1,000 people, mostly Israelis, who have been killed since September, 2000. But what about the 3,000 innocent Palestinians who have also lost their lives? Just once can the United States Congress not admit that Palestinians are people, too, and their lives are also precious? Would not such a compassionate statement go a long way towards restoring our credibility

in the Arab world at a time when our national interests demand our image be improved? And would not such a statement be the right thing to say?

This resolution mentions the road-map as the best path for Israeli-Palestinian peace. Yet in the very next clause we undermine the roadmap by listing only the Palestinian obligations. Of course, the Palestinians must crack down on terrorism. But the road-map also requires Israel to impose a settlement freeze, tear down illegal outposts, ease the conditions of occupation. Why does this resolution only tell half the story?

As for the security barrier itself, I have personally witnessed the very severe hardships it imposes on Palestinian life. Again, a fence on the Green Line is one thing. That makes sense strategically and demographically. But a separation barrier that winds its way through the West Bank, appropriating Palestinian land in its wake, is not acceptable.

In the village of Jayyous, I saw how the wall separates farmers from their groves, and their crops are rotting on the field; teachers and students separated from their schools; even a Palestinian policeman unable to get to his job imposing security.

The resolution before us has a grudging reference to the recent decision by the High Court of Justice. But I think it is important for the American people to hear the Court's argument in more detail. The Israeli High Court ruled that the route of the barrier must be altered to ease the hardship of 35,000 Palestinians living adjacent to it. The current path, they argued, "would generally burden the entire way of life in the petitioners' villages." The Court carefully balanced security and humanitarian considerations. The justices concluded, "We are convinced that there is no security without law. Upholding the law is a component of national security."

Of course, it can be argued that the security barrier has prevented terror attacks. But the only way to stop terrorism and secure the safety of Israel in the long term is for a comprehensive political solution to be negotiated with the Palestinians. After all, there was almost no terrorism perpetrated against Israeli civilians during the 3-year period of 1997 to 2000. There was not a separation barrier then but a vibrant peace process, negotiations and security cooperation between Israel and the Palestinians, with powerful leadership from the United States.

If Congress really wanted to be helpful, we would not pass resolutions on such divisive issues as a security wall, but we would urge our administration to act forcefully to bring both sides back to the negotiating table. America's failures to engage in Israeli-Palestinian conflict will not only doom these long-suffering peoples to continued violence and misery but harm vital U.S. national interests as well. And that is a risk that we can surely not afford to take.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore (Mr. FRANKS of Arizona). The gentleman from California has 30 seconds remaining.

Mr. PENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in support of H. Res. 713, and I want to say I am a practical person. The main thing is that the fence works. It saves lives. There has been a dramatic reduction in the number of attacks and the number of suicide bombings. And basically the fence is doing exactly what it was designed to do, save lives. It promotes peace. It is a mechanism for peace.

On a trip to Israel last year, I had the opportunity to view the security fence firsthand, and there I toured communities on the outskirts of Jerusalem where Israeli citizens live in constant fear of sniper attacks and suicide bombings. This fence provides a sense of security to these border families and will help prevent continued attempts to derail the peace process through violence.

I was thinking about a statement that Robert Frost made about how good fences make good neighbors. That is the case here. This is a vehicle for peace. We should all support this resolution. I strongly support Israel's right to defend their citizens from terrorist attacks. I ask my colleagues to join me in supporting this resolution because, practically speaking, the fence works, and it should be allowed to continue to have the opportunity to work.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I merely want to express again my thanks to the gentleman from Indiana (Mr. PENCE) for the leadership he has shown on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PENCE. Mr. Speaker, I yield myself such time as I may consume.

I rise today urging my colleagues to support H. Res. 713, and I find myself very humbled by the power and the eloquence that has preceded me. So I will simply close, Mr. Speaker, with words of gratitude from my heart and perhaps an explanation why this Midwestern Evangelical Christian finds himself carrying this timely and important resolution before the Congress.

I first want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for his strong leadership on this issue, and the gentleman from California (Mr. LANTOS), who continues to be for me an example of everything that is right about what Congress can mean on the world stage on behalf of not only Israel but human rights, and a special thanks and affection to the gentlewoman from Nevada (Ms. BERKLEY), without whose leadership this resolu-

tion would not be on the floor today. In fact, in its original version, the Pence-Berkley resolution recruited over 160 cosponsors, Republicans and Democrats alike; and it is my fondest hope that tomorrow when this measure is voted that we will see an equal reference of strong bipartisan support.

My motivation is very simple. In January this year a dream of my life came true, Mr. Speaker. I traveled to that ancient country of Israel with my beautiful wife, Karen, and in the midst of that inspiring experience, we engaged in security briefings. We found ourselves along a chain-linked fence. In the 2 hours that we toured the security fence, the guards who escorted and protected us received three notices of attempted terrorist incursions.

I came back to this blue and gold carpet with a burden on my heart to help tell that story. I went alongside the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the gentlewoman from Nevada (Ms. BERKLEY) and said we have to get the story out of what the people of Israel are dealing with and the necessity for the fence. And I came back and authored the resolution that will be considered in the Congress tomorrow.

The truth is that the fence saves lives, Mr. Speaker, without any question whatsoever. Evidence is resplendent. We have heard it tonight. Hundreds of suicide attacks but only one from Gaza where Hamas and Islamic Jihad are actually based, but Gaza city and the Gaza area completely surrounded by a fence. In the north of Israel, where a section of the fence has been completed, there has not been a single suicide attack in more than 8 months. Before the first stage of the fence became operational in July of 2003, the average number of attacks was 8.6 per month. In the past 11 months, that has dropped to 3.2 attacks.

I hesitate to use statistics because we are talking about families. We are talking about men and women and one terrible tale after another of teenagers and small children made subject of terrorist suicide bombings. So we ought not to get lost in the numbers. We ought to remember the fence saves lives.

So last week when the International Court of Justice, by a 14 to 1 decision, violating many of its own rules of jurisdiction where it ordinarily would have recognized the authority of the Supreme Court of Israel to decide such matters, as it has very recently with great equity towards the interests of Israelis and Palestinians, the government of Israel has literally moved the fence some 20-mile stretches, and recently the Supreme Court of Israel ruled in favor of Palestinians in ordering the fence to be moved. But, nevertheless, the International Court of Justice ignored the sovereign interests of Israel, calling Israel an occupying power and calling portions of that sov-

ereign nation occupied Palestinian territory. And that is a disgrace.

Mr. Speaker, I close simply with the words that I pray for the peace of Jerusalem. I believe, as millions of Americans do, that still to this day He will bless those who bless her. And it is my hope that tomorrow this Congress will stand and speak as near as we ever can with one voice that we condemn the International Court of Justice, this act of disgrace, and we stand by our precious ally Israel in this her most difficult hour.

Mr. FEENEY. I rise today in support of House Resolution 713 by my good friends Mr. PENCE, from Indiana, and Ms. ROS-LEHTINEN, from my own home State of Florida.

On Friday, July 9, the United Nations' International Court of Justice issued a 14-to-1 majority opinion stating that Israel's building of a security barrier is illegal, construction must stop immediately, and Israel should make reparations for any damage caused.

The ICJ's ruling also said the United Nations' General Assembly and Security Council should consider steps to halt construction of the security barrier.

This decision by the ICJ is not only the latest in the international community's long line of blatantly anti-Israel actions, but also sets a dangerous precedent by allowing the ICJ to go beyond its traditional jurisdiction.

I deplore the court's decision. Israel has a right to protect their people from those who believe that the path to salvation is paved with the blood of Jewish women and children. I have traveled to Israel and have seen the aftermath of these senseless homicide bombings.

The security fence is not only within Israel's rights to build but it has also proven to be an extremely effective tool for fighting terrorism. In 2004, no Israelis have been killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens have been killed and 102 have been wounded by suicide attacks in areas unprotected by the fence.

The fence has produced a 90-percent drop in terrorism emanating from the northern West Bank, formerly the originating point for scores of devastating suicide bombings and other deadly terror attacks.

The International Court of Justice was set up in 1945 under the Charter of the United Nations to be the principal judicial organ of the Organization. Article 36 of the Court's Statute forbids bringing contentious cases before the Court unless there is agreement by all parties involved.

Obviously the ICJ did not recognize this limitation as more than 40 nations, including the United States, the European Union, Australia and Canada, submitted briefs to the Court opposing consideration of the matter of Israel's security fence. The objections that were voiced in those briefs detail concerns regarding jurisdiction as well as the politicization of the court.

Though not legally binding, the advisory opinion has already prompted the introduction of anti-Israel resolutions at the United Nations and will have the effect of emboldening efforts to isolate Israel internationally. The General Assembly will meet tomorrow to seek international support for the ICJ decision and try to impose U.N. sanctions against Israel for trying to defend its citizens.



When will the United Nations cease to thwart efforts to squash the evil, murderous organizations who rob us of our right to security? How long must the American taxpayers continue to support an international agency that no longer promotes basic freedoms of peace, security, and democracy?

Please join me in saying to the United Nations that we will not support the blatant misuse of its International Court of Justice to further the cause of these terrorist organizations. Vote "yes" on House Resolution 713.

Mr. ACKERMAN. Mr. Speaker, I rise in support of the resolution. I strongly believe that this House needs to speak out against the disgraceful ruling by the International Court of Justice, ICJ. I just wish that what we said to the Nation and to the world through this resolution was a more fulsome explanation of U.S. policy about not just Israel's security fence and the appropriate role of the ICJ, but the peace process, the Roadmap, the need for Palestinian political reform, and a complete cessation of Palestinian terrorist violence.

In this respect, I would commend to Members' attention H. Con. Res. 390, a resolution I introduced in March together with several distinguished colleagues in the House that highlights not just Israel's right to defend itself, and our strong support for that right, but also speaks clearly about our vital national security interest in resolving the conflict according to the terms of U.N. Security Council resolutions 242, 338, and 1397.

Indeed, what makes the ICJ's horrendous ruling more than a meaningless annoyance is its unfortunate potential for misuse. Considering the predilection shown by Palestinian leaders to pursue any line of political action, except for those that require them to set their own house in order and prevent violence from blocking the path back to direct negotiations with Israel, I think we can fully expect the ICJ's ruling to become the latest and most salient Palestinian excuse for inaction, recalcitrance, and doublespeak.

By noting the deficiencies of the resolution at hand, I don't mean to understate the wretchedness of the ICJ's ruling. I would note that the court's ruling is as awful as it was predictable, which is to say, entirely. Anyone who expected the ICJ to render an unbiased opinion, forget the shameful call the court actually issued for Israel to, in effect, defend itself by digging its own graves, is several degrees past naive and well on their way toward the title of "hopeless sucker."

The ICJ's opinion is riddled with flaws and stretches of remarkable illogic. The principal failing, if one can identify just one, is the complete reliance on a pro-Palestinian lens. The result, as clearly demonstrated in the court's opinion, is a misapprehension of the nature of the territory at issue, the nature of the conflict between the parties, the legal standing of the parties and the appropriate role for the court itself. Not surprisingly, the court took garbage in, and spit garbage back out.

In this light, the court's refusal to look at either the lengthy Palestinian campaign of terror which has resulted in nearly 1,000 Israeli deaths, or at the actual and ongoing contribution that the fence has already made to stopping Palestinian suicide bombers, is entirely predictable. It also smacks of casual anti-Semitism. When the deaths of hundreds of Jews is of no interest, and condemnation is ready only for non-violent self-defense measures, more than a hint of a double standard is detectable.

Again, Mr. Speaker, I do support the resolution, and I believe it is vital that the House speak strongly and clearly about this recent travesty. I urge Members to vote in favor of the resolution and to make clear their strong and unshakeable support for the one true democracy in the Middle East, the State of Israel.

Mr. McDERMOTT. Mr. Speaker, there is no such thing as a one-sided story. From the first day I came to the House of Representatives in 1989, and until my last day in this Chamber, I have been and will continue to be a staunch defender of Israel.

I wholeheartedly and unequivocally believe in Israel's right to exist, and the fundamental human right for the Jewish people to live in peace and without fear.

Hundreds of times in this House, I have backed my words with deeds on behalf of Israel: Recognizing the founding of Israel; commending the people of Israel for conducting free and fair elections; condemning terrorism against Israel; approving funds for Israel's security; embracing efforts to achieve peace; promoting Israel's economic growth and development around the world; ensuring Israel has access to stable oil supplies; demanding real counterterrorism efforts by other Mideast nations; and, most importantly, promoting peace in our time, for all time.

Let no one say, let no one think, that JIM McDERMOTT is not a friend of Israel. I am a true friend of Israel and that is why I offer these remarks. A true friend tells the truth as he sees it, because that's what is in the best interest of your friend.

The House has before it a resolution neither requested by the Government of Israel nor by the people of Israel.

It is a resolution that will not promote peace, or dialog, in the region. It is a resolution that risks undermining the already painfully difficult process—and the hope—of achieving peace.

There are times when the House of Representatives can advance the cause for peace, or stir the world on a matter that knows no geographic border. HIV/AIDS is such a matter. This is not one of those times.

The Bible says there is a time for every thing under heaven. We can hope this is the time for peace. We can work to make this the time for peace.

We can hurt the cause for peace by passing a resolution that would seem to place the world on one side, and Israel and the United States on the other. A political wall divides just as much as a stonewall or an iron fence.

In light of a ruling by the World Court, Israel can change the path of the wall it is building. The issues involved are complex, from land to water, from borders to principles.

The legal issues involved are inseparable from the emotionally charged, and unresolved, debate over homeland, security, peace, and the future of a Palestinian State.

Although delicate and fragile, there is at least a process underway to try to resolve the issues the wall raises. The resolution in the House today could endanger the process. That's not a risk worth taking for the purpose of recording an opinion that no one asked for.

The world knows full well the United States considers Israel a close and important ally.

I believe we support Israel best by keeping the focus on the process that someday soon could tear down all the walls that separate Israel and Palestine.

Mr. OBEY. Mr. Speaker, today the House will vote on a resolution condemning the International Court of Justice for rendering an advisory opinion on the legal consequences of the construction of the "Israeli Wall," and condemning the U.N. General Assembly for requesting such an opinion.

This legislation was only introduced last night—and strikes me as the type of knee-jerk posturing that does more harm than good. I oppose the bill for the following reasons:

The ICJ rendered an advisory opinion on the legal consequences on the construction of the wall on its current route, an opinion requested by the U.N. General Assembly. The ICJ did so as it has done in the past, and the General Assembly was within its rights to request such an opinion.

Condemning the General Assembly for asking for an opinion, or the ICJ for analyzing the situation and making a nonbinding statement of opinion on the matter is essentially condemning people for asking questions or having an opinion—key elements in civilized discourse or democracy.

The sponsors of this bill, well-intentioned as they are, claim that the advisory opinion denies that Israel has a right to self-defense. This is not so—paragraph 141 states "The fact remains that Israel has to face numerous and indiscriminate and deadly acts of violence against its civilian population. It has the right, and indeed the duty, to respond in order to protect the life of its citizens."

The resolution is factually incorrect:

It claims the General Assembly asked for an opinion on the legality of the barrier. They did not. They asked for an opinion on the legal consequences construction of the barrier.

It says that a similar security barrier exists around Gaza. The barrier around Gaza is on the armistice line, not beyond it, does not isolate Palestinian villages, or envelop settlements on territory described by the Israeli Supreme Court as being held "in belligerent occupation," and therefore is not similar.

The resolution is hypocritical—it calls on members of the international community to "reflect soberly" on a number of matters—although this body held no hearings on this resolution, and has not even had 24 hours to review it. I would hazard a guess that fewer than 2 percent of the Members of this body, or their staffs have actually read the opinion in question, much less reflected soberly on it.

The resolution is needlessly belligerent—it threatens that anyone who seriously considers the ICJ ruling to raise questions about the resolution of this issue "Risk[s] a strongly negative impact on their relationship with the people and government of the United States." At this time, we need to be working with our colleagues in the international community to find a solution, listening to what they have to say, rather than threatening them.

The opinion states that construction of the barrier inside Occupied Palestinian Territory is illegal under international law. I'm not a lawyer—but I know that if I build my fence on your property, I've got to take it down.

The resolution notes that the Israeli courts themselves have been critical of the barrier, and have directed that changes be made to the wall's route. While this is true, it does not mean that other states concerned with the stability of the region, should not have the benefit of an advisory opinion on the legal ramifications of the wall by an outside party.

Interesting points from that Israeli Supreme Court case (which only covered one portion of the fence):

86. Our task is difficult. We are members of Israeli society. Although we are sometimes in an ivory tower, that tower is in the heart of Jerusalem, which is not infrequently struck by ruthless terror. We are aware of the killing and destruction wrought by terror against the state and its citizens. As any other Israelis, we too recognize the need to defend the country and its citizens against the wounds inflicted by terror. We are aware that in the short term, this judgment will not make the state's struggle against those rising up against it easier. But we are judges. When we sit in judgment, we are subject to judgment. We act according to our best conscience and understanding. Regarding the state's struggle against the terror that rises up against it, we are convinced that at the end of the day, a struggle according to the law will strengthen her power and her spirit. There is no security without law. Satisfying the provisions of the law is an aspect of national security. I discussed this point in HCJ 5100/94 The Public Committee against Torture in Israel v. The Government of Israel, at 845:

"We are aware that this decision does make it easier to deal with that reality. This is the destiny of a democracy—she does not see all means as acceptable, and the ways of her enemies are not always open before her. A democracy must sometimes fight with one arm tied behind her back. Even so, a democracy has the upper hand. The rule of law and individual liberties constitute an important aspect of her security stance. At the end of the day, they strengthen her spirit and this strength allows her to overcome her difficulties."

"That goes for this case as well. Only a Separation Fence built on a base of law will grant security to the state and its citizens. Only a separation route based on the path of law will lead the state to the security so yearned for."

A nonbinding opinion is just that. Disagree with it all you want—pick it apart, show how it is wrong. But to condemn people for voicing an opinion is undemocratic and should be beneath this body.

Mr. SAXTON. Mr. Speaker, I would like to thank my friend from Indiana for not only introducing this important piece of legislation but for taking the lead in this Congress on this important issue. Mr. Speaker, as someone who has visited Israel on several occasions and viewed the security fence, it is abundantly clear that it was built out of necessity. On my last trip, I was reminded once again, that the drive from the beautiful beachfront in Tel Aviv, to the Palestinian town of Qalqilya in the West Bank took less than 25 minutes. That same 25 minutes is all the time it would take for a suicide bomber to find his or her way to a bus stop, a shopping mall, or a discotecheque.

Earlier today I had the honor of hosting 20 victims of Palestinian terrorism. As I met with them I was reminded of a simple but gruesome fact: everyday for nearly 60 years Israelis have awoken in the morning to a constant threat of terrorism. Terrorism is what built the security fence. The Government of Israel has said on numerous occasions that if after more than 10 years of empty promises and bold face lies by Yassir Arafat and his cronies, if the Palestinian leadership would finally crack down on terrorism and work to reform the Palestinian territories, then perhaps one day the fence would no longer be necessary.

Mr. Speaker, echoing my friend from Indiana I would like to commend President Bush and Secretary of State Powell for taking the lead in marshalling opposition to the use of the International Court of Justice as a forum to solve the ongoing Israeli/Palestinian conflict. The decision by the ICJ will do nothing politically or legally to help destroy Palestinian terrorism or reform the Palestinian Authority.

Mr. Speaker, I would like to once again commend my friend from Indiana for introducing this bold resolution and I yield back the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I rise today to express my opposition to the International Court of Justice's July 9, 2004, advisory opinion condemning Israel's security fence.

Israel's security fence is an important tool necessitated by continued Palestinian terrorism. Israel has the same obligation to protect its citizens as any other nation, including the United States.

The ruling by the ICJ is not only the latest in the United Nations long line of anti-Israel actions, but also sets several dangerous precedents in international law that hinder and impede United States antiterrorism efforts.

Having been to Israel on several occasions, I can personally attest to Israel's need for this security fence. Many measures have been taken to make its presence less intrusive on the Palestinian people, while still providing necessary protection for Israeli citizens.

Further proof of this is the June 30, 2004, ruling by the Israeli Supreme Court, which ruled that a contentious section of the barrier being built by Israel in the West Bank violates the rights of thousands of Palestinian residents by separating them from their farmland. This ruling led to a shift in the path of an 18-mile section to meet the court's demands. This fence is a necessary means of protection for a people that have suffered numerous terrorist attacks, not on their government or military, but on innocent civilians.

Israel has not claimed that this fence is a permanent barrier; it is a temporary solution to protect its citizens who have been plagued by violence.

Mr. Speaker, I oppose the International Court of Justice's decision, and I fully support Israel's right to protect its citizens.

Mr. BURTON of Indiana. Mr. Speaker, the State of Israel has been an unwavering friend and ally of the United States for decades. And Israel has stood in complete solidarity with the United States in the Global War on Terror. Over the past half-century, bipartisan support for Israel, the only true democracy in the Middle East, has been a staple of every U.S. Congress regardless of which party is in the majority. While the United Nations, other international organizations, and the governments of many countries of the world are quick to adopt the positions of Israel's adversaries, especially when Israelis exercise their absolute right to defend themselves, Congress has remained unwavering in its moral stand behind Israel. Again today, by passing House Concurrent Resolution 713—H. Con. Res. 713—a resolution I proudly cosponsored and championed, the Members of this House once again stood fast as the counterweight to most of the world's imbalanced, "blame Israel" approach to the Arab-Israeli conflict. H. Con. Res. 371, expressed this body's strong support for Israel's construction of a security

fence to prevent Palestinian terrorist attacks, and condemned the United Nations General Assembly's decision to request the International Court of Justice to render an opinion on the legality of the fence.

Despite the fact that more than 40 nations, including the United States, 15 members of the European Union, Russia, Canada, Australia and even South Africa believed the International Court of Justice, ICJ, did not have the competence or the jurisdiction to rule on the matter, last week, the ICJ issued an advisory finding that Israel's security barrier in the West Bank is illegal. This ruling shouldn't have come as a surprise to anyone as Israel's detractors have successfully manipulated every arm of the United Nations to delegitimize Israel. The U.N. General Assembly itself has been a hotbed of anti-Israel activity, passing more than 400 resolutions against Israel since 1964, more resolutions than on any other single subject. But that body has never once investigated the Palestinian terror campaign against Israel, nor has it investigated abuse, torture, and other human rights violations by nondemocratic states in the Arab world.

In 2004, no Israeli has been killed or wounded by suicide bombings in areas protected by the fence, while 19 Israeli citizens have been killed and 102 wounded by homicide attacks in areas without the fence. The fence has produced a 90-percent drop in terrorism emanating from the northern West Bank, formerly the originating point for scores of devastating homicide bombings and other deadly terror attacks.

I commend to all of my colleagues an excellent Op-Ed written by former Israeli Prime Minister and current Finance Minister Benjamin Netanyahu laying out a clear and intellectually sound argument for why Israel needs the security fence and why Israel should never surrender its right to defend itself. I would like to have the text of this Op-Ed placed into the CONGRESSIONAL RECORD following my statement. I urge my colleagues to read it and speak out against the blatantly political ruling of the so-called International Court of Justice.

[From the New York Times, July 13, 2004]

#### WHY ISRAEL NEEDS A FENCE

(By Benjamin Netanyahu)

JERUSALEM.—While the advisory finding by the International Court of Justice last week that Israel's barrier in the West Bank is illegal may be cheered by the terrorists who would kill Israeli civilians, it does not change the fact that none of the arguments against the security fence have any merit.

First, Israel is not building the fence on territory that under international law can be properly called "Palestinian land." The fence is being built in disputed territories that Israel won in a defensive war in 1967 from a Jordanian occupation that was never recognized by the international community. Israel and the Palestinians both claim ownership of this land. According to Security Council Resolution 242, this dispute is to be resolved by a negotiated peace that provides Israel with secure and recognized boundaries.

Second, the fence is not a permanent political border but a temporary security barrier. A fence can always be moved. Recently, Israel removed 12 miles of the fence to ease Palestinian daily life. And last month, Israel's Supreme Court ordered the government to reroute 20 more miles of the fence for that same purpose. In fact, the indefensible line on which many have argued the fence should run—that which existed between Israel and the Arab lands before the



1967 war—is the only line that would have nothing to do with security and everything to do with politics. A line that is genuinely based on security would include as many Jews as possible and as few Palestinians as possible within the fence.

That is precisely what Israel's security fence does. By running into less than 12 percent of the West Bank, the fence will include about 80 percent of Jews and only 1 percent of Palestinians who live within the disputed territories. The fence thus will block attempts by terrorists based in Palestinian cities to reach major Israeli population centers.

Third, despite what some have argued, fences have proven highly effective against terrorism. Of the hundreds of suicide bombings that have taken place in Israel, only one has originated from the Gaza area, where Hamas and Islamic Jihad are headquartered. Why? Because Gaza is surrounded by a security fence. Even though it is not complete, the West Bank security fence has already drastically reduced the number of suicide attacks.

The obstacle to peace is not the fence but Palestinian leaders who, unlike past leaders like Anwar Sadat of Egypt and King Hussein of Jordan, have yet to abandon terrorism and the illegitimate goal of destroying Israel. Should Israel reach a compromise with a future Palestinian leadership committed to peace that requires adjustments to the fence, those changes will be made. And if that peace proves genuine and lasting, there will be no reason for a fence at all.

Instead of placing Palestinian terrorists and those who send them on trial, the United Nations-sponsored international court placed the Jewish state in the dock, on the charge that Israel is harming the Palestinians' quality of life. But saving lives is more important than preserving the quality of life. Quality of life is always amenable to improvement. Death is permanent. The Palestinians complain that their children are late to school because of the fence. But too many of our children never get to school—they are blown to pieces by terrorists who pass into Israel where there is still no fence.

In the last four years, Palestinian terrorists have attacked Israel's buses, cafes, discos and pizza shops, murdering 1,000 of our citizens. Despite this unprecedented savagery, the court's 60-page opinion mentions terrorism only twice, and only in citations of Israel's own position on the fence. Because the court's decision makes a mockery of Israel's right to defend itself, the government of Israel will ignore it. Israel will never sacrifice Jewish life on the debased altar of "international justice."

Mr. PENCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PENCE) that the House suspend the rules and agree to the resolution, H. Res. 713, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## JAMESTOWN 400TH ANNIVERSARY COMMEMORATIVE COIN ACT OF 2003

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1914) to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement, as amended.

The Clerk read as follows:

H.R. 1914

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Anniversary Commemorative Coin Act of 2003".

### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States.

(2) The Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures.

(3) The economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status.

(4) The National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown.

(5) In 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances.

(6) A commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia.

(7) The proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

### SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 5 dollar coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 1 dollar coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

### SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

### SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2007"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;

(B) the National Park Service; and

(C) the Commission of Fine Arts; and

(2) reviewed by the citizens advisory committee established under section 5135 of title 31, United States Code.

### SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.

### SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

### SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of \$35 per coin for the \$5 coins and \$10 per coin for the \$1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) PROGRAMS TO PROMOTE UNDERSTANDING OF THE LEGACIES OF JAMESTOWN.—½ of the surcharges shall be used to support programs to promote the understanding of the legacies of Jamestown and for such purpose shall be paid to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(2) OTHER PURPOSES FOR SURCHARGES.—

(A) IN GENERAL.—½ of the surcharges shall be used for the following purposes:

(i) To sustain the ongoing mission of preserving Jamestown.