

the sustainability of the fishery. Both quota systems and share holders must come under periodic review to ensure adherence to the goals of the program. Standards legislation must be passed as soon as possible to avoid any future negative results from quota systems developed without any standards at all.

This Act allows for the establishment of fishing quota systems within a fishery management plan or plan amendment if such systems:

Are voted on and approved by fishermen who hold a permit to fish in the fishery and crew who derive seventy-five percent of their income from the fishery subject to the proposed fishing quota system.

Include management measures designed to ensure the sustainability of the fishery and provide additional and substantial conservation benefits to the fishery.

Allocate quota to distribute the public resource fairly.

Not allow anyone to hold an excessive share of quota.

Reserve an allocation to new entrants into the fishery.

Minimize, to the maximum extent practicable, negative social and economic impacts of the system on local communities.

Ensure adequate enforcement, management, and data collection of the system.

Be effective for a set period, 7 years. A system can be altered or renewed to respond to fishery management issues and to ensure the sustainability of fish stocks.

NATIONAL RIVER MUSEUM AND AQUARIUM GRAND OPENING

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. NUSSLE. Mr. Speaker, I rise today to offer my deepest congratulations to a community I have had the honor of representing since I took office in January of 1991. Tomorrow Dubuque, Iowa will pass a milestone in its history with the official opening of its National Mississippi River Museum and Aquarium.

The Mississippi River has already drawn more than 1 million visitors to the City of Dubuque. This community chose to make its story of the river a cornerstone of urban renewal by investing millions of dollars to revitalize the river front. The June 28 opening represents the community's dedication to growing its tourism industry. For more than 12 years Dubuque has worked to create a world-class center to educate residents and tourists alike about the Mississippi River, its science and cultural history.

This project enjoys rare, unified and vigorous support from local government, the business community, and residents. During difficult economic times in the 1980s, the people of Dubuque came to understand all too well that being subject to a single economic sector's peaks and valleys hinders a city's self-sufficiency. The years of planning for the museum have been a catalyst for change by redirecting the economy toward tourism and making Dubuque a more viable community. Significant changes are happening in the area adjacent to the museum known as the Port of Dubuque. These changes include The Grand Harbor Re-

sort and Waterpark, a new riverwalk, a community amphitheater, and a conference center.

Enthusiasm for this project has been infectious. It has spread to Main Street where activities are beginning to flourish with the opening of new businesses, including several new restaurants. The entire business community in Dubuque and the surrounding area is already seeing a positive economic impact due to this project. Dubuque's spirit of partnership, community pride and determination have helped the city to grow. They have found a way to tie together Iowa's best strengths—our people and our rich natural resources—to serve as an example to other cities of what can be accomplished.

Mr. Speaker, I wish to personally commend Mayor Terry Duggan and other local elected officials for their leadership in Dubuque's revitalization. Additionally, this project would not be possible without the very diligent work of Jerry Enzler and Teri Goodmann. Thanks in large part to Jerry's work, the museum is now an affiliate of the Smithsonian Institution and last year was named by the U.S. Department of Transportation to be the official interpretive center for the Mississippi's Great River Road. Dubuque has been well served by Mayor Duggan, the city council, Jerry, Teri, and the countless others who have been undaunted in their efforts to obtain financial assistance for the museum from individuals, private industries and government officials.

I am proud to have played a part in making this project a reality and look forward to attending the Grand Opening. I believe Dubuque serves as a great example of what a community can do when it identifies goals and pursues them. At one time the phrase often used in the city was, "will the last person out please shut off the lights?" What a difference less than 20 years have made! The city now calls itself, "Masterpiece on the Mississippi." It is truly a masterpiece of natural beauty, historical value, and residents bursting with pride and enthusiasm. Dubuque, your lights are on for the whole world to see and experience.

SUPREME COURT RULING ON AFFIRMATIVE ACTION IS A JUST, FAIR DECISION IN SOCIETY WHERE RACIAL DISPARITY IS STILL THE ROOT OF MANY PROBLEMS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. CLAY. Mr. Speaker, I rise to express my joy over the 5-4 ruling by the United States Supreme Court that favors affirmative action based on race. It is the right decision at the right time. The Supreme Court ruling on affirmative action is a just, fair decision in a society where racial disparity continues to feed problems rooted in racial injustice. It is the right decision at the right time.

On Monday, the Supreme Court announced its ruling in a case where white applicants sued the University of Michigan law school, alleging the use of race was an illegal quota system. The case, *Grutter v. Michigan*, has been called the most important civil rights case in 25 years because it challenged the use of racial preferences in school admissions.

While we lost on points, or a point system used to help minorities compete for slots, the decision by the high court affirms the United States Constitution on the side of balancing the scales of fairness, not on the side of continuing the unfairness built into a system that allows the racially privileged to continue their reign.

The white ruling class in America was built in large part on slavery and its aftermath—slave wages, and as long as America depends on the beneficence of gatekeepers who are insensitive to the history of this nation and the long-term effects of American apartheid, then the problem of racial disparity will continue.

Affirmative action is one tool that can help make-up for years of deprivation by helping people of color hurdle racial pitfalls in less time than would normally take many more generations to remove," he said. To wait for the goodness of human nature to rise to the top and result in racial fairness, is not judicious governance. It took the courts to help undo segregation and it will take the courts to help maintain justice. Sometimes only laws compel people to do the right thing. Without compulsion, many people of all races will submit to whatever decisions that favors them, even decisions made at the expense of weaker, less fortunate, powerless people.

Good law creates balance and for these times, affirmative action is good law. It addresses the needs of a disparaged group that has been historically discriminated against based on race. To overlook that reality is to impose a new form of segregation. According to Pete Williams, NBC news correspondent for MSNBC News, the 5-4 ruling that favored the university's law school, noted that "race can be one of many factors that colleges consider when selecting their students, while, at the same time, knocking down a similar lawsuit over the university's undergraduate program."

An Associated Press summary said the two split decisions means "minority applicants may be given an edge when applying for admissions to universities, but limited how much a factor race can play in the selection of students. The high court struck down a point system used by the University of Michigan, but did not go as far as opponents of affirmative action had wanted. The court approved a separate program used at the University of Michigan law school that gives race less prominence in the admissions decision-making process."

In April, I noted that affirmative action today really means affirmative access for minorities, a group of Americans that was systemically denied access to education and society in general, for hundreds of years.

What I don't think some people realize is that affirmative action is not new. While affirmative action seems like something out of the ordinary, historically, it is not new.

Segregation was affirmative action for whites. And when it comes to getting into college, there is affirmative action (even quotas) for athletes, intellectuals, artists and the children of the rich, just to name a few categories. Only when minorities were added to the list of beneficiaries has affirmative action become a problem."

Former U.S. Education Secretary Richard W. Riley noted in mid-2002 that a study published by the Educational Testing Service, entitled "Crossing the Great Divide," stated that

by the year 2015 the nation's college campuses will be missing 250,000 African Americans and 550,000 Hispanic undergraduates, "because we did not prepare them to do college-level work. (If) the economy continues to demand ever-higher skills for good jobs, minorities will have to run faster just to stay in place."

Mr. Speaker, we know we cannot easily legislate away racism in the heart and minds of people. However, you can legislate and interpret in the courts, a road map that bypasses individual racism and institutionalizes opportunity and affirmative access, for all. Racism in America does not exist in isolation. It's systemic existence calls for affirmative action regarding race if we are to keep the doors open for those who were once summarily denied entrance to a chance to live better lives.

REGARDING LEGISLATION TO ESTABLISH THE INDEPENDENT COMMISSION ON INTELLIGENCE ABOUT IRAQ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 2003

Mr. WAXMAN. Mr. Speaker, today I am introducing legislation to establish the Independent Commission on Intelligence about Iraq. This Commission is necessary to restore the confidence of the American public and the international community regarding the Bush Administration's use of intelligence information about Iraq.

I am joined in introducing this bill by Representative MARTIN FROST, Representative RON KIND, and 20 other members who supported President Bush when he asked for congressional authorization to use force in Iraq. We were allies of the President when he wanted authority to go to war. And we are allies of the President today in the ongoing fight against terrorism.

For us, this issue is not about whether we were right to go to war in Iraq. We voted for the war resolution. And it is not about whether biological or chemical weapons will ultimately be found in Iraq. Instead, we are introducing this bill because it is now clear we had an inexcusable breakdown in our intelligence system prior to the Iraq war. We need to know how and why this happened, so that we can make sure it never happens again.

We need to know whether the breakdown was caused by problems within our intelligence agencies, and whether they failed to do their jobs competently and responsibly. If, as some in the Administration have hinted, essential information was withheld from the President, we need to discover who did that and hold them accountable.

If we find that the intelligence community did their job well, then we need to know whether Bush Administration officials either ignored or misused the intelligence information. At the end of the day, regardless of the consequences, we need to know what went wrong.

We can't avoid the responsibility. President Bush is leading us in a new doctrine of preemptive warfare. While there is obviously disagreement over the merits of this approach, there is unanimity that preemptive warfare's

essential ingredient is accurate intelligence. It can't be founded on theory or suspicion—it needs fact. Without that, the world will be unable to distinguish preemptive warfare from ordinary aggression.

The House and Senate Intelligence Committees have already begun the process of assessing the intelligence community's performance, and the Independent Commission we would create here would supplement that valuable effort.

It appears, however, that the Intelligence Committees will not be assessing how the Bush Administration used the intelligence information it received. Representative PORTER GOSS, the Chairman of the House Intelligence Committee, said, "I'm not going into what the customer did with the intelligence." I disagree with that approach, and that review will also be an important part of the Independent Commission's responsibilities.

It is profoundly important that the President, the Vice President, and other senior Administration officials accurately portray intelligence information. There is no question more grave than whether our Nation should go to war. When the topic is whether to commit our armed forces to battle, Congress and the American public need to be able to rely unquestioningly on the accuracy and veracity of the information from the President and other Administration officials.

Unfortunately, serious concerns have already been raised regarding how the Bush Administration handled intelligence information on threats posed by Iraq in the months leading up to the conflict. One of the main questions that has emerged is whether White House officials manipulated or deliberately ignored key intelligence on Iraq. The Administration's responses to date have been incomplete and inconsistent, and have raised a host of new questions.

For months, I have been asking a simple question: Why did the President cite forged evidence about Iraq's efforts to obtain nuclear materials from Africa in his State of the Union address?

Yet I have been unable to get an answer to this basic question. Instead, the Administration has provided only murky and conflicting explanations regarding the use of forged evidence by the President and other top Administration officials.

The first Administration explanation, as described in the Washington Post on March 8, 2003, was "we fell for it."

But we now know that wasn't true. Multiple press accounts have reported that CIA analysts doubted the validity of the evidence long before the President's State of the Union address and had communicated those doubts to the White House. Other press accounts have reported that State Department analysts also concluded in 2002 that the evidence was bogus.

National Security Advisor Condoleezza Rice then asserted that "maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery."

But this also doesn't appear accurate. According to a June 30, 2003, New Republic article entitled "The Selling of the Iraq War: The First Casualty," Vice President Cheney's office had received the forged evidence from the British in 2002 and had provided it to the CIA; the CIA in turn had dispatched a former am-

bassador to Africa to check its validity; the ambassador determined the evidence was unreliable; and the CIA communicated this report to the Vice President's office.

Other accounts, such as those by Nicholas Kristof in the New York Times, reach the same conclusion. According to a June 13, 2003, Knight Ridder News Service report by Jonathan Landay: "Three senior administration officials said Vice President DICK CHENEY and some officials on the National Security Council staff and at the Pentagon ignored the CIA's warning and argued that Bush and others should include the allegation in their case against Hussein."

The White House has asserted that the President's State of the Union address was closely vetted by intelligence officials. But if this is so, what did these officials communicate to the President and his White House advisors and how did the White House respond? NPR has reported that early drafts of the President's State of the Union address that contained the forged evidence were reviewed by senior intelligence officials, who objected to the inclusion of the evidence. According to NPR, the White House ignored their objections. Instead, the White House response was to keep the forged evidence in the speech, but to change the wording so that the evidence was attributed to British sources.

Another question raised by the official White House account is why the White House hasn't taken disciplinary action against the CIA Director and other intelligence officials. If the White House was kept in the dark about something as fundamental as forged nuclear evidence—as Condoleezza Rice maintains—this would be an extraordinarily serious failure by the intelligence community. Shouldn't those responsible face equally serious consequences?

Other significant questions regarding the forged documents remain unanswered. For example, in some statements, the Administration has asserted that "additional evidence" supported the claim about Iraq's attempts to purchase uranium in Africa. Yet the only evidence the Administration provided to the IAEA to support its claims was the forged documents. And despite my repeated requests for this other evidence, the Administration has yet to provide it. What is the other evidence? And why didn't the President and other Administration officials cite to it instead of to the forgeries?

And then there is the question of the December 19 fact sheet by the State Department. This fact sheet—which received front-page coverage in the media—repeated the fake evidence that Iraq sought to import uranium from Africa. When I wrote the President about this, the State Department responded as follows: "The December 19 fact sheet was a product developed jointly by the CIA and the State Department."

But according to a senior intelligence official quoted in the Washington Post, the CIA objected to the inclusion of the fake evidence in the State Department fact sheet but the objection "'came too late' to prevent its publication."

Both of these accounts can't be right.

A broad, independent investigation is necessary to answer questions like these. That is why we are proposing a nonpartisan Commission on Intelligence about Iraq. This Commission would examine the collection, evaluation, and use by the Administration of Intelligence