

The Rape Kits and DNA Evidence Backlog Elimination Act would help to address the issues I have just outlined, particularly those involving the collection and processing of DNA evidence. We owe it to rape victims, as well as to our society as a whole, to do all we can to apprehend and prosecute sex offenders. To this end, title I would do several important things. Specifically, and perhaps most importantly, this bill would extend the authorization for the DNA Analysis Backlog Elimination Act of 2000. This law, of which I was one of the chief Senate sponsors, aims to reduce the backlog of unanalyzed DNA samples in forensic laboratories across the United States. Unfortunately, the authorization for the grant programs established under the act will expire soon, but many States still have a long way to go to clear their DNA evidence backlogs. The Rape Kits and DNA Evidence Backlog Elimination Act would extend that authorization, while also increasing the funds authorized for grants under the Act. This would help States to further reduce their DNA evidence backlogs, processing crucial evidence that could bring criminals to justice.

Furthermore, title I would expand CODIS, our national DNA database. The expansion of this database is important, since the larger the database, the more likely it is that State crime laboratories will be able to match DNA evidence to offenders. Under the Rape Kits and DNA Evidence Backlog Elimination Act, the FBI could accept for inclusion in CODIS any DNA sample submitted by the States for inclusion in the database, including DNA samples from all felons convicted of Federal crimes. Given the high rate of recidivism among sexual offenders, this last addition may prove very useful to law enforcement as they utilize CODIS. The U.S. Department of Justice has expressed support for expanding the DNA database in this manner.

In addition to providing funds to help States and localities process evidence, we also must improve the way that DNA evidence is collected and used. To this end, title II of the Advancing Justice through DNA Technology Act also contains many components of the bill I introduced earlier this year involving important training programs. This title would provide Federal resources to support a new training program for Sexual Assault Forensic Examiners, known as SAFEs. This program is modeled on a separate bill that Senator SCHUMER and I introduced during the 107th Congress. As I discussed before, many rape victims first report their crimes in a hospital emergency room, where they are treated by inexperienced staff, many of whom have no training in the proper use of a rape evidence kit. SAFEs, by contrast, are well-trained in the collection of forensic evidence and are able to give competent and sensitive treatment to rape victims at a time when they are most vulnerable—immediately after their

attack. Furthermore, the intervention of SAFEs in a sex crime case bolsters the odds of prosecution and conviction of offenders, as their expertise generally renders them better witnesses than most emergency room personnel during trials. While these programs have proven to be effective, only a few hundred SAFE programs currently exist in the United States, treating a minute number of sexual assault victims. These nurse examiners provide an important service, both to the victim and to justice system, and I strongly advocate funding more training programs for them.

Finally, title II would make two changes in the criminal code to better protect victims of crimes in which DNA evidence is recovered. It would extend or "toll" the statute of limitations under Federal law for prosecuting many crimes in which DNA evidence is recovered, but the identity of the perpetrator is unknown. Also, this title would amend the Violence Against Women Act to include legal assistance for victims of dating violence.

In closing, I strongly encourage my colleagues to support the Advancing Justice through DNA Technology Act of 2003. This bill is a good one, and one deserving of the Senate's support. It can do a great deal to help rape victims, as well as to prosecute sexual offenders.

#### FREEDOM'S ANSWER

Mr. ALEXANDER. Mr. President, just recently the Senate approved the Labor, HHS Appropriations bill for fiscal year 2004. During the same time period we paused to remember the tragic events of September 11. So it is a good moment to bring to the attention of my Senate colleagues and of the Department of Education the nonpartisan, nonprofit Freedom's Answer project which is a direct result of the 9/11 experience—and which seeks to engage high school students across America in the elections process even before they are old enough to vote.

At a time when Senator KENNEDY and I, along with many other Members of the Senate, are convinced that restoring civics education to schools should get a high priority, Freedom's Answer is one effort that is doing just that. It should have the highest priority for funding by the Department of Education within the discretionary funds of the Fund for Innovation in Education, the Character Education Program, the Civics Education program, or the Fund for Improvement in Post-Secondary Education.

Freedom's Answer is a totally nonpartisan program, begun by long-time political professionals Mike McCurry and Doug Bailey. Its National Advisory Council is co-chaired by the Republican Leader in the Senate, BILL FRIST, and the Democratic Leader in the House, NANCY PELOSI. The chairs of the Republican and Democratic National Committees both sit on its National Advisory Council.

Started after the 9/11 tragedy, Freedom's Answer urged high school students in over 2,500 high schools throughout the country to seek 10 voting pledges each in the 2002 election, not for any particular party or candidate, but rather to honor the servicemen and women serving our country and risking their lives daily for our freedom.

These students didn't just help set a mid-term voter turnout record—nationally and in 27 different states—they learned first hand the power of political involvement. Even before they could vote, they learned the power not just of each and every vote, but also of collective involvement in the political process. It may well have been as good a civics lesson as they could ever receive—one certain to make them voters in the years ahead.

Our young people owe it to us to be part of America's democracy. And we owe it to our young people, regardless of party, philosophy, religion, income, race or State to enable them both to know how the system works and how to be part of it. Freedom's Answer is a powerful way we can meet that commitment, and I join my colleagues in encouraging the Department of Education to consider using discretionary funds in the 2004 budget we will pass to help make this wonderful civics lesson come alive in every high school in the land.

Mr. KENNEDY. I commend the leadership of my colleague from Tennessee. He's a strong advocate for better education in both history and civics. We need to do much more to broaden students' understanding of American history and encourage them to participate in the democratic process.

Freedom's Answer is an excellent model. It is a nonpartisan program founded by Mike McCurry and Doug Bailey to involve high school students in elections. The mission of Freedom's Answer is "to turn today's students into tomorrow's voters."

The program was launched after the tragic events of 9/11. It was organized in over 2,500 high schools across the Nation, asking each student to line up 10 pledges from others to vote in the 2002 election—not for a particular candidate or party, but in tribute to the servicemen and women serving abroad whose commitment to our country is safeguarding our national security.

Their participation was a worthwhile factor in enhancing voter turnout in the 2002 elections. These young students learned the power of each individual vote, as well as the importance of greater involvement in the political process. It was an extraordinary civics lesson for them and for their families and neighbors, too, and it will encourage them to vote as soon as they become eligible to do so.

I'm confident that this program will generate even greater election participation in coming years. Their participation will enrich our country and help to inspire the next generation of leaders.

Freedom's Answer is the kind of innovative and practical idea that will strengthen our democratic process and the Nation as a whole, and it deserves our strong support. I commend Senator ALEXANDER for his impressive leadership on this impressive initiative.

**NOMINATION OF JOSEPH KELLIHER TO THE FEDERAL ENERGY REGULATORY COMMISSION**

Mr. WYDEN. Mr. President, earlier this year, I announced my intention to object to any unanimous consent request for the Senate to take up the nomination of Joseph Kelliher to the Federal Energy Regulatory Commission. I did this because at the time, Mr. Kelliher had not convinced me that he fully understood the impact of west coast market manipulation on northwest ratepayers or the problems that the Commission's standard market design proposal could create for the northwest electric power grid.

Today I received a letter from Mr. Kelliher expressing his views on these subjects. It is clear from his letter that Mr. Kelliher has done his homework about energy issues critical to the west in general and the northwest in particular. From opposing a final standard market design rule to supporting voluntary regional transmission organizations and making market manipulation illegal, Mr. Kelliher's letter reflects he now has a better understanding and appreciation of the northwest energy markets and transmission systems and the particular challenges northwest ratepayers face.

Based on his letter, I will no longer object to any unanimous consent request for the Senate to take up Mr. Kelliher's nomination.

I ask unanimous consent that a copy of Mr. Kelliher's letter to me be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 30, 2003.

Hon. RON WYDEN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WYDEN: I am writing to clarify my views on two issues of importance to you: Standard Market Design and market manipulation.

You have forcefully stated your opposition to the Commission's Standard Market Design. In particular, you have expressed concern that market rules developed in other regions of the country may not work in the Pacific Northwest, and emphasized the potential economic impact of the proposal on your region.

I recognize electricity markets are not national, but regional. There are significant differences among the regions—the transmission grids are different, the generation mixes are different, and the market structures are different. There are also significant legal differences—the role of nonjurisdictional utilities such as the Bonneville Power Administration and municipal utilities is more significant in the Pacific Northwest than other regions. It is essential that market rules reflect these important regional differences.

For these reasons, I do not believe imposition of uniform national market rules on your region is appropriate. I support regional flexibility, and if confirmed by the Senate I would give great deference to the views of your region. Further, I am not convinced there is a need for a final rule on Standard Market Design. A better means of achieving regional flexibility may be through regional proceedings.

Because of the unique regional characteristics in the Pacific Northwest, I believe any effort to form a regional transmission organization should be voluntary. In my view, the Commission could not successfully mandate the establishment of a regional transmission organization for the Pacific Northwest, nor should it attempt to do so.

Markets that are subject to manipulation cannot operate properly. For that reason, I believe there is an urgent need to proscribe manipulation of electricity markets. There is no express prohibition of market manipulation in the Federal Power Act. That stands in contrast with the regulatory laws governing other industries, such as securities and commodities. Market manipulation should be expressly prohibited.

In addition, penalties must be sufficient to discourage market manipulation. Well before the Western electricity crisis I advocated tougher criminal and civil penalties. In my view, the penalties set by Congress in the Federal Power Act are no longer adequate to discourage criminal behavior. They need to be increased.

The Commission has some ability to address market manipulation absent Congressional action. In my opinion, the Commission has legal authority to proscribe certain market manipulation practices by jurisdictional utilities. The Commission also has discretion to revoke authorization of a public utility to sell power at market-based rates as a remedy for market manipulation. I would support exercise of this authority.

In the past, you discussed the relationship between spot markets and long-term markets. As you know, in its "Final Report on Price Manipulation in Western Markets" the Commission staff concluded spot prices influenced forward prices. As a general matter, I acknowledge there is a relationship between spot markets and forward markets.

There is no question the Commission has legal authority to reform contracts. In the right circumstances, contract reform is appropriate. If it can be demonstrated that any Pacific Northwest contracts impose an excessive burden on consumers or are unduly discriminatory, or that fraud or duress were present at the time of contract formation, then I believe contract reform would be appropriate. You have expressed your strongly-held view that the just and reasonable standard should govern in contract reform cases. I respect your view, and note there is legal precedent supporting your position. I have not prejudged which legal standard should govern in contract reform cases, and Federal courts have applied both the public interest standard and the just and reasonable standard. As you know, the Commission applied the public interest standard in recent contract reform cases. I have not prejudged whether these cases were correctly decided.

I appreciate the opportunity to share my views with you on these matters.

Sincerely,

JOSEPH T. KELLIHER.

**ON THE PASSING OF JOJI KONOSHIMA, PRESIDENT, U.S.-ASIA INSTITUTE**

Mr. INOUE. Mr. President, on September 17, 2003, America lost one of its

true Ambassadors of Friendship, Mr. Joji Konoshima, President and co-founder of the U.S.-Asia Institute.

Mr. Konoshima was well known at home and abroad for his efforts to promote understanding and dialog between the United States and East Asian nations. His career as an educator, labor organizer, political advisor, and diplomatic mentor spanned more than 40 years.

Born in Tokyo, Japan, Mr. Konoshima immigrated with his family to the United States at the age of six years and settled in California. He was a student at the University of California, Berkeley, when he and his family were evacuated during World War II to the Heart Mountain Relocation Center in Wyoming. After the war, he received a Bachelor of arts degree in Political Science from the University of California, Berkeley, in 1953, and a Master of Arts degree in Education from New York University in 1960. Mr. Konoshima taught social studies and Japanese language in New York City, and was an adjunct assistant professor at New York University for more than a decade.

In 1973, Mr. Konoshima organized the Manhattan teachers' union in backing the successful candidacy of Mayor Abraham Beame. He then served as the labor coordinator for New York gubernatorial candidate Hugh Carey in 1974, and was the union liaison for Governor Carey after his election. In 1974, Mr. Konoshima traveled to Hawaii to organize the teachers' union. In 1976, he became the New York labor coordinator for the Presidential campaign of Jimmy Carter, and went on to join the national Carter-Mondale campaign as labor liaison. After the election, Mr. Konoshima became the National Director of the Asian Pacific Affairs Unit of the Democratic National Committee. He accompanied Vice President Walter Mondale to Japan, and traveled to Japan and Korea with President Carter. He played a key role in the historic visit of Chinese Premier Deng Xiaoping to the United States in 1978, traveling with him to New York, Houston and San Francisco.

In 1979, Mr. Konoshima co-founded, with his colleague Esther Kee, the U.S.-Asia Institute, an organization dedicated to fostering better relations between the U.S. and the countries and people of East Asia. During his tenure as President of the U.S.-Asia Institute, Mr. Konoshima personally escorted Members of Congress on visits to the People's Republic of China, as well as delegations of Congressional staff. Mr. Konoshima led more than 85 Congressional staff and trade delegations to China, Japan, Indonesia, the Philippines, Korea, Malaysia, Singapore, Thailand and Brunei. He also hosted seven international conferences in cooperation with the U.S. Department of State, and a multitude of briefings on issues of interest and concern to the U.S. and East Asian nations. Mr. Konoshima was an advisor to political,