

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,

business and diplomatic leaders on both sides of the Pacific.

Joji Konoshima will be missed by all whose lives he touched, but his extraordinary efforts in support of U.S.-Asia relations shall never be forgotten.

ON THE COMMUNITY ORIENTED POLICING SERVICES PROGRAM

Mr. FEINGOLD. Mr. President, I want to speak today on the Community Oriented Policing Services, or COPS, program. In my twenty years as a public servant, I have seen only a very small number of federally funded programs that have had such a measurable and immediate effect on local communities as the COPS program.

The Community Oriented Policing Services Program, commonly known as COPS, was established in 1994, due in large part to the efforts of my distinguished colleague from Delaware, Senator BIDEN, and the support of then-President Clinton. Since its inception, the program has greatly enhanced community oriented policing across the Nation, resulting in real, tangible crime reduction in cities such as Green Bay, Wisconsin's third-largest city, as well as in small, rural areas across Wisconsin and the country. This program has been a shining example of an effective partnership between local and Federal governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives. It also provides Federal dollars directly to police departments and local communities.

To date, the COPS program has facilitated the hiring and training of over 118,000 police officers who help keep our communities safe. In the State of Wisconsin alone, COPS has funded over 1,330 new officers by contributing over \$100 million to communities. COPS funds have also provided over \$20 million worth of crime-fighting technologies to Wisconsin law enforcement agencies. As Green Bay Police Chief Craig Van Schyndle told me last week, these funds have had a very positive and measurable impact on policing in Green Bay. Crime rates have gone down, school security has been enhanced, and more officers have gotten out from behind their desks and into the communities they protect.

But the Chief also expressed his fear that proposed cuts to the COPS program will result in devastating consequences for the Green Bay Police Department. The proposed drastic funding cuts will set many police departments back decades. Already outdated equipment will become the norm, and what's worse, our communities will see a reduction in officers patrolling our neighborhoods. The Green Bay Police Department and so many other local law enforcement agencies in Wisconsin and across the country are already crunched for resources due to the stressed state budgets in many of our home States. Due to these fiscal con-

straints, COPS funds that we have praised as beneficial have become absolutely crucial. If we allow the proposed cuts to the COPS program, many departments will have no choice but to cut wages and reduce personnel.

It is important to note in the post-September 11 world that when we lose our community-oriented officers, we lose first responders. This year, for the first time, COPS dollars are being used to hire community policing officers who will be engaged in homeland security efforts, and to pay for overtime costs associated with homeland security. They are also helping to provide inter-operable communications technology in communities to better help our first responders communicate during times of crisis. Many of us have heard from first responders in our home States about how important, and how lacking, this communications technology is on the front lines of the fight against terrorism.

The administration and Congress simply cannot tell the American people that we want them to feel secure and tell our local law enforcement officers how they are, while at the same time cutting funding for those officers. We must not short-change our police officers. As the tragic events of September 11th reminded our Nation, police officers play a vital role in protecting and securing our communities. In the past 2 years, the words "security" and "safety" have taken on new significance for Americans. The COPS program helps to give those words meaning. The officers who are hired and trained and funded by the COPS program are our neighbors, our first responders, our drug educators, and, in some cases, as in the COPS in Schools program, the mentors for our children. We must give them the support they need so that they can continue to keep us safe and secure.

No police department should have to choose between having up-to-date communications devices and having sufficient law enforcement officers in its community, or decide whether to continue its school crossing guard program or to fund its successful crime-reduction programs. And yet, that is exactly what is happening to local law enforcement agencies in Wisconsin and across the country as they watch funding levels for the COPS program drop.

I might add that unlike other important law enforcement grant programs, COPS delivers grant funding directly to chiefs and sheriffs. There are no overhead costs for States because the grant administration is facilitated directly by the Federal Government. Communities of all sizes are eligible to apply for COPS grants, and the payoffs are invaluable. Ensuring funding in the COPS program is an investment in our Nation's security, an investment in our children, and an investment in community safety.

As we consider appropriations for the many Federal programs that make a difference at home, I urge my col-

leagues to send a strong message of support to our local law enforcement officers: As we ask more of them, we must understand the fiscal pressure they face and help them bridge their funding gap so they can continue the level of excellence at which they operate. There is no question that community-oriented policing is integral to the protection and safety of all Americans.

Again, I want to applaud Senator BIDEN for his leadership on this issue. I urge my colleagues, especially those on the Appropriations Committee, to work to ensure that the COPS program is fully funded before we adjourn. Thank you, Mr. President.

I yield the floor.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO DORIS HANSEN

• Mr. BURNS. Mr. President, I would like to voice my support for a woman who was recently named the American Trucking Association's National Driver of the Year, and resides in Lavina, MT.

Since Doris Hansen started driving semi trucks in 1967, she has logged more than 3 million miles. Beginning at the age of 19 as a driver for her father-in-law, Doris has preserved an accident-free driving record, with a personal commitment to safety for over 35 years. While Doris and her husband John sometimes drove as a sleeper team, she has logged most of her hours as a solo driver at a time when women were rare in the business. When Doris began her career, some companies did not offer separate shower facilities and break rooms, while others denied women access altogether.

Doris is currently leased to Quality Transportation, Inc. stationed in Baker, MT. Since signing with Quality in 1987, she has never lost a single cargo or filed a damage claim. She currently operates a conventional three-axle tractor and a 48-foot flatbed trailer, hauling general freight in "the lower 48." She has also logged the last 13 summers in-State pulling belly-dump trailers on road construction projects, winning numerous safety and industry awards, including Montana Motor Carriers 2002-03 Driver of the Year. Although her job keeps her on the road, she and John have raised two children. Danielle is now a nurse in Big Sandy, MT, and J.J., who shares Doris' love of the road, is a truck driver as well.

Doris has been named American Trucking Association's first woman, and first Montanan, National Driver of the Year for 2003. Doris will be honored at American Trucking Association's 2003 Safety and Loss Prevention Management Council's Fall Conference in Jacksonville, FL tomorrow, and again at the American Trucking Association Management Conference and Exhibition in San Antonio, TX on October 20. I applaud Doris for her continued