

I have no reason to believe that, as a matter of policy, Mr. Gompert won't elect to notify the full SSCI, regardless of the statutory interpretations of the general counsel. Nonetheless, this confirmation process should serve to remind Mr. Gompert and other leaders of the intelligence community that those clear statutory obligations apply to them, regardless of the general counsels' misinterpretation of the law and regardless of the practices of the previous administration. These obligations are consistent with basic notions of statutory interpretation. They are also consistent with recent testimony before the House Permanent Select Committee on Intelligence by two experts on congressional notifications, both of whom worked on the Church Committee. Frederick "Fritz" Schwarz testified that the "Gang of Eight" provision "should be read as limited to covert action" and noted CIA Director Panetta's testimony at his confirmation hearing supporting this view. Britt Snider's testimony traced the entire history of the provision, describing amendments passed in 1991 and noting that he was general counsel of the Senate Select Committee on Intelligence at the time of the amendments and was "heavily involved in their development."

Another important change brought about by the 1991 amendments limited the "gang of 8" option to covert actions, rather than making it available to notify the committees of any intelligence activity that was particularly sensitive. This was done for several reasons. First, the gang of 8 option had, to that point, only been used for covert action. Sensitive collection programs had been briefed to the committees as a whole. The view on the two intelligence committees was that if an agency was instituting a new, ongoing program to collect intelligence, they all needed to know about it, regardless of its sensitivity. This was what the committees were set up to do. They had to authorize the funding for these programs. How could they not know of them? Again, the [George H.W.] Bush Administration did not resist the change . . . There have been no major changes to the congressional notification requirements since the 1991 Amendments. But I think it is fair to say that practice under the law has changed over time. It changed, for example, in the late 1990s when the CIA began to disclose more information to the committees about its collection operations, especially those that were experiencing problems. (Emphasis added.)

Both the plain language of the statute and its history are thus clear. Moreover, the practice of violating the statute in this manner is not longstanding; it was limited to the George W. Bush administration. It is therefore particularly dangerous for the current administration and any current leaders of the intelligence community to associate themselves with this misinterpretation of the law.

#### TRIBUTE TO CHAIRMAN SCHAPIRO AND COMMISSIONER AGUILAR

Mr. KAUFMAN. Madam President, I rise today primarily to note for the RECORD two recent speeches: one by Chairman Mary Schapiro and the second by SEC Commissioner Luis Aguilar.

Last year, rapid changes in the markets, opaque practices, and a lack of effective regulation caused a devastating financial debacle from which our Nation is still struggling to recover.

The lesson was simple: when our regulators fail to keep pace with market developments and are taken off the field, the consequences can be disastrous.

With this lesson in mind, I wrote to Chairman Mary Schapiro on August 21 urging the Securities and Exchange Commission to undergo a comprehensive "ground up" review of a broad range of market structure issues in order to ensure our regulatory capacity is up to speed with changes in the market.

I am pleased that the SEC is in the process of conducting such a review and has already acted to address flash orders and dark pools, two sources of potential unfairness that are opaque and insufficiently regulated. But a few narrowly tailored rule proposals are not enough to restore investor confidence and avert a future disaster. We need regulators, lawmakers, and investors to embrace a new approach to regulation—one that values fairness and transparency over liquidity and nips systemic risks in the bud.

Accordingly, I applaud Chairman Schapiro's speech, entitled "The Road to Investor Confidence," which she delivered at the Securities Industry and Financial Markets Association annual conference on October 27.

Chairman Schapiro outlined the road towards a lasting regulatory framework and a fairer market, asserting:

To me, we don't get there by assuming all is well now, and reverting to the practices that got us to where we are. We don't get there by letting newly engineered financial instruments escape the umbrella of regulation and the natural disinfectant of meaningful market transparency. And, we certainly don't get there by permitting, or even advocating, for gaps in our regulatory landscape. I believe those are the directions that send us back to another financial crisis. And, we cannot afford to let that happen.

Chairman Schapiro also discussed the importance of adopting a forward-looking approach to regulation, particularly with respect to rapid technological developments like high frequency trading.

She said:

I believe we need a deeper understanding of the strategies and activities of high frequency traders and the potential impact on our markets and investors of so many transactions occurring so quickly.

Following the chairman's lead, Commissioner Aguilar also struck a thoughtful chord with respect to upcoming regulatory reform in an impressive speech delivered at George Washington University Law School last Friday.

Commissioner Aguilar underscored the need for meaningful reform, stating:

[T]here is a growing concern that we might miss the opportunity to make the transformational changes required to address the realities of today's financial markets—and to prepare for the unforeseen challenges of tomorrow. Moreover, I fear that we may go

down the path of piecemeal changes that give the illusion of regulatory reform but leave us in danger of repeating our recent history. This "false comfort" would be a recipe for disaster.

Commissioner Aguilar also highlighted specific recommendations that should guide financial reform efforts. He asserted the focus of systemic risk regulation should be on investor protection and, should ensure "the continuation of systemically important market functions, not institutions. . . . To that end, systemic risk regulation should facilitate an environment where no institution is indispensable and where other firms can step in to meet the needs of the market."

Commissioner Aguilar went on to endorse the creation of a council of regulators which would better "identify accumulation of risks . . . [provide] for a diversity of perspectives that could make it more likely that a risk will be identified . . . facilitate the free flow of information among regulators . . . [and] avoid the inherent tensions and conflicts that arise when one regulator has combined responsibilities over monetary policy, a vested interest in the safety and soundness of particular institutions, and plenary powers to address systemic risk."

In addition to laying the foundation for systemic risk regulation, Commissioner Aguilar also maintained that regulators must be empowered to address a broad range of market practices, like hedge funds and asset-backed securities, for example, in order to "not only close today's gaps but to look ahead and [use] flexible powers that can be deployed as an unknown future unfolds."

Undoubtedly, reform is long overdue, and so I am pleased this body appears set to undertake financial regulatory reform legislation in the coming months. I look forward to working with my colleagues to enact meaningful reforms.

With Chairman Schapiro and Commissioner Aguilar's words as a guide, Congress should grant regulators the authority to ensure our markets are fair, stable and transparent in order to prevent another disaster. Mr. President, failure to do so is simply not an option.

Madam President, Chairman Schapiro and Commissioner Aguilar's speeches may be found at: <http://www.sec.gov/news/speech/2009/spch102709mls.htm> (Schapiro) <http://www.sec.gov/news/speech/2009/spch106091aa.htm> (Aguilar).

#### TRIBUTE TO TIM JOHNSON

Mr. LEAHY. Madam President, a voice familiar to thousands of Vermonters was singled out for special recognition this past weekend.

Tim Johnson, a broadcaster who has long made Brattleboro's WTSA Radio

his home, was honored by the town of Brattleboro and the Vermont Association of Broadcasters.

Tim's love of radio and community affairs brought him to radio in 1974, and he has faithfully provided local news to listeners in Brattleboro and in Springfield, MA, ever since then. I have enjoyed knowing him and his work for several decades as we often meet at community meetings, conferences and press conferences in the Brattleboro region and across Vermont.

Brattleboro proclaimed Saturday, November 7, 2009, as "Tim Johnson Day" and celebrated with a cake. The same day, at their annual meeting the Vermont Association of Broadcasters heralded Tim for his distinguished service. Distinguished service helps sum up Tim's importance to southern Vermont. His contributions to his community and to Vermont broadcasting have been of the highest quality, and they have been steady. His many hours in the studio each week ensure that residents in Brattleboro receive news that is important, relevant and timely. It is regrettable that today's broadcasting environment sustains less of that kind of community service and community presence.

I know Tim will continue on this path of excellence, and I know that all Vermonters join me in expressing appreciation and admiration for his good work on WTSA.

I ask unanimous consent that a copy of an article from The Rutland Herald be printed in the RECORD.

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

[From the Rutland Herald, Nov. 8, 2009]

BRATTLEBORO—ON-AIR CELEB JOHNSON  
HONORED

(By Susan Smallheer)

BRATTLEBORO.—Tim Johnson is the Energizer bunny of Brattleboro radio: he's on the air day and night, whether it's reporting breaking news, broadcasting local football games and or promoting local food shelf fundraisers.

In fact, Johnson was on the air Saturday morning, not even taking a break on "Tim Johnson Day," hoping to garner some donations for "Project Feed the Thousands."

Johnson, 53, a longtime radio newsmen for WTSA AM & FM, was honored by the town of Brattleboro last week with a proclamation and a cake. The proclamation was paired with the Vermont Association of Broadcasters announcement that Johnson was honored yesterday for distinguished service at the organization's annual meeting.

Kelli Corbeil, owner and general manager of the radio station, nominated Johnson for the award.

"He's the hardest worker at the radio station," said Corbeil. "I'm so glad he's on my team."

By Johnson's own estimation, his love of community radio lands him in front of a microphone anywhere from 60 to 80 hours a week.

Corbeil, who along with her late husband Bill purchased the station in 2007, said that Johnson's devotion to local radio news was obvious to everyone in Brattleboro and deserved to be recognized statewide. "I think he has a love and a passion for it. He loves

the community and I think the community is important to him," she said.

Johnson first got into radio back when he was a senior at Brattleboro Union High School, and as the representative of the Future Farmers of America, appeared on a WTSA talk show by Larry Smith, Johnson's predecessor at the news desk. He's been doing radio news ever since, a total of 36 years.

Smith, who left TSA in 1997 for a job at Entergy Nuclear, said that even at 17, Johnson had a noticeable voice.

"Local radio news is a dying art as more stations are purchased by conglomerates," Smith said.

"If anything, Timmy has expanded the coverage. I don't know what he doesn't cover. Every time I listen, he's been to a meeting or a community forum. It's wonderful," he said.

"With so many stations, you're lucky if you get the local weather," Smith said.

After high school, Johnson landed a part-time job as an announcer at cross-town radio rival WKVT in 1973, and eventually left Brattleboro for four years to work at WCFR in Springfield.

Johnson said he came back to his hometown in 1985 to WKVT rather than go to a bigger market because the area was deep in his heart, his parents' health was failing and then-owner Dave Underhill was "a news junkie just like myself."

"Bright lights? Big city? This is my home," he said.

Town Manager Barbara Sondag wrote the proclamation for the Selectboard, and she said until she did the research, she didn't grasp the scope of Johnson's community work.

"I had no idea of all the boards he served on," said Sondag. Johnson is currently working hard on Project Feed the Thousands, the local food drive, as well as the local United Way, Warm Hands Warm Hearts. In addition to that, Johnson is also the town moderator in his hometown of Vernon, and also serves as the moderator for the Brattleboro Union High School annual meeting.

"Tim Johnson has for 36 years continuously provided accurate, reliable, respectful reporting of the issues important to the citizens of Brattleboro," the proclamation said.

"Tim can be found at all emergencies, celebrations, meetings and buffets across Windham County, regardless of time," the proclamation went on with a touch of humor.

Johnson has a well-known proclivity for free food, she said, as well as multi-tasking.

While covering selectboard meetings, he also "watches" Red Sox games on his computer, and keeps people posted on the score, Sondag said.

And Johnson, whose real name is Tim Arseneault, has an uncanny ability to report accurately on a meeting despite a predilection for cat naps during late-night meetings, the selectboard couldn't resist adding.

As the morning show anchor and news director, Johnson gets up at 3 a.m. and heads into WTSA's studio in "the new north end" of Brattleboro by 4:30 a.m. He is on the air by 5 a.m.

He works at least until mid-afternoon.

On a recent day, Johnson was busy juggling family, news and his community commitments, aided greatly that day by instant messaging.

Johnson and his wife Sue's 16-year-old granddaughter recently started living with them, and there's plenty to organize and do.

Smith, who actually hired Johnson to replace himself at WTSA, said that Johnson is a consummate radio professional, and overcame a stutter, as well.

"The first time I ever heard him on the radio, there was no stutter. He does commer-

cials, he overcame that—quite an accomplishment," said Smith.

In radio, the hardest thing, he said, is doing commercials. "You really have to concentrate and Timmy's production is unbelievable and his ad libs are great too," said Smith, himself a 30-year radio news veteran.

"I'm delighted for him," Smith said.

"This is really what I enjoy doing," said Johnson, his newscast devoted this day to the local hospital's reaction to the swine flu epidemic, a major water main break in town, the upcoming Winter Farmer's Market and Feed the Thousands.

"This is really what I enjoy doing and I want to do it for 50 years," Johnson said.

"That's another 14 years."

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NELSON MICHAEL, JEROME KIM, AND MERLIN ROBB

• Mr. AKAKA. Madam President, today I acknowledge three sons of Hawaii. They are remarkable individuals and leaders in the U.S. Military HIV Research Program. COL Nelson Michael, COL Jerome Kim, and COL Merlin Robb have worked vigorously to develop a safe and effective AIDS vaccine that has become a true glimmer of hope paving the way for significant advances in our fight against this disease.

These three men, along with the entire U.S. Military HIV Research Program worked side by side with the Thai Ministry of Public Health to conduct the largest study worldwide, a 6-year vaccine field trial held in Thailand—historically one of the countries hardest hit by AIDS. And Hawaii became a vital midpoint and meeting place for Thai and U.S. military researchers as experts from both Thailand and the Walter Reed Army Institute of Research in Maryland worked tirelessly to move this initiative forward.

The study consisted of 16,000 volunteers and tested two vaccines, one that prepares the immune system by training cells to recognize and destroy the virus and one that intensifies that response. The study found that the two-vaccine approach proved to be 31-percent effective in preventing HIV infection.

COL Nelson Michael, M.D., Ph.D, is a Punahou High School graduate and his father, Jerrold Michael was dean of the University of Hawaii School of Public Health. Colonel Michael is currently the director of the division of retrovirology at the Walter Reed Army Institute of Research. Prior to serving as director, he was the chief of the department of molecular diagnostics and pathogenesis.

COL Jerome Kim, M.D., is an Iolani High School graduate and a clinical associate professor of medicine at the John A. Burns School of Medicine, University of Hawaii. He is deputy director and chief of the department of molecular virology and pathogenesis, division of retrovirology at the Walter Reed Army Institute of Research.

COL Merlin Robb, M.D., is a Radford High School graduate and a program