

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

#### RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

#### RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

#### RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during

public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

#### RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

#### EXTRACTS FROM THE STANDING RULES OF THE SENATE—RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

#### COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that: [1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

#### NOMINATION OF AMBASSADOR JOHN NEGROPONTE

Mr. KENNEDY. Mr. President, today President Bush nominated Ambassador

John Negroponte to be the new Director of National Intelligence. Rarely will a nominee so clearly go from the frying pan to the fire.

Ambassador Negroponte will face enormous challenges in his new position just as he has in his current position as our Ambassador to Iraq. His experience there will serve him well, since the war with Iraq has made the country a breeding ground for terrorism that did not previously exist. His new top priority must be to keep America's intelligence community focused on the real threat to our national security—the war against al-Qaida.

This will not be an easy task. The ongoing war in Iraq is sapping our military, diplomatic, and intelligence resources. It is a war that did not need to be fought. There were no weapons of mass destruction. There were no persuasive links to al-Qaida. America should not have rushed to war with Iraq. We should have stayed focused on the imminent threat from al-Qaida, a threat that remains strong more than three years after the 9/11 attacks.

CIA Director Porter Goss' statement yesterday that "Al Qaeda is intent on finding ways to circumvent US security enhancements to strike Americans and the homeland" is a timely reminder that al-Qaida is still the gravest threat to our national security, and the war in Iraq has ominously given al-Qaida new incentives and new opportunities to attack us.

The warning about al-Qaida's threat was emphasized Admiral James Loy, Deputy Secretary of Homeland Security. He told the Intelligence Committee, "We believe that attacking the homeland remains at the top of Al Qaeda's operational priority list. We believe that their intent remains strong for attempting another major operation here."

The danger was also emphasized by Robert Mueller, the FBI Director, who told the Intelligence Committee, "The threat posed by international terrorism, and in particular from Al-Qaida and related groups, continues to be the gravest we face." Director Mueller said, "Al Qaeda continues to adapt and move forward with its desire to attack the United States using any means at its disposal. Their intent to attack us at home remains and their resolve to destroy America has never faltered."

In addition, the threat was emphasized by the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby, who said, "The threat from terrorism has not abated. . . . The primary threat for the foreseeable future is a network of Islamic extremists hostile to the United States and our interests. The network is transnational and has a broad range of capabilities to include mass casualty attacks."

Most ominously of all, CIA Director Porter Goss emphasized that terrorists are doing all they can to acquire nuclear materials that can be used in a nuclear attack against any American

city. He spoke specifically about the materials missing from Russian nuclear facilities. He said, "There is sufficient material unaccounted for, so that it would be possible for those with know-how to construct a nuclear weapon." His assessment is that "It may be a only a matter of time before Al Qaeda or another group attempts to use chemical, biological, radiological and nuclear weapons."

Defense Intelligence Agency Director Jacoby concurred, saying, "We judge terrorist groups, particularly Al Qaeda, remain interested in chemical, biological radiological and nuclear weapons."

Admiral James Loy, Deputy Secretary of Homeland Security warned, "Al-Qaeda and its affiliated groups have demonstrated an operational capability to conduct dramatic, mass-casualty attacks against both hard and soft targets inside the United States and abroad . . . The most severe threats revolve around al-Qaeda and its affiliates' long-standing intent to develop, procure, or acquire chemical, biological, radiological, and even nuclear, weapons for mass-casualty attacks."

CIA Director Porter Goss also said that we've created a breeding ground for terrorists in Iraq and a cause worldwide for the continuing recruitment of anti-American extremists.

His assessment was clear. "The Iraq conflict, while not a cause of extremism, has become a cause for extremists . . . Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists . . . These jihadists who survive will leave Iraq experienced in and focused on acts of urban terrorism. They represent a potential pool of contacts to build transnational terrorist cells, groups, and networks in Saudi Arabia, Jordan and other countries."

American forces served bravely and with great honor in Iraq. But the war in Iraq has made it more likely—not less likely—that we will face terrorist attacks in American cities, and not just the streets of Baghdad. The war has clearly made us less safe, and less secure.

It has significantly increased the challenges to our intelligence community. And it underscores the vital need to have a Director of National Intelligence who understands that it is al-Qaida not Iraq—that has always been and remains the greatest threat to our national security.

In my view, we have no higher priority than to do everything we possibly can to track down and secure the nuclear materials missing from Russian stockpiles or from any other source that might be available to terrorists. The nuclear clock is ticking, and we are living on borrowed time.

#### 50TH ANNIVERSARY OF THE NEW ENGLAND BOARD OF HIGHER EDUCATION

Mr. KENNEDY. Mr. President, on June 2, 1955, the Governors of six New

England States recognized the importance of higher education to the region and entered into the New England Higher Education Compact to share the region's higher education resources and to cooperate in meeting the needs of the New England workforce.

The original signers of the New England Higher Education Compact were Governor Abraham Ribicoff of Connecticut, Governor Edmund Muskie of Maine, Governor Christian Herter of Massachusetts, Governor Lane Dwinell of New Hampshire, Governor Dennis J. Roberts of Rhode Island and Governor Joseph B. Johnson of Vermont.

The legislatures of the six States ratified the compact and the compact was approved by the United States Congress on August 30, 1954, and the New England Board of Higher Education was created as the interstate agency to carry out the mission of the compact.

In 1957, the New England Board of Higher Education established what has become its flagship program, the New England Regional Student Program, to enable New England residents to pay reduced tuition at out-of-State public colleges and universities in the region when they enroll in degree programs not offered by their home State.

The six New England States agreed in the compact to provide needed, acceptable, efficient educational resources and facilities to meet the needs of the New England workforce in the fields of medicine, public health, science, technology, engineering, mathematics, and other fields of professional and graduate training. Access and affordability have become the hallmark of the Regional Student Program of the New England Board of Higher Education.

The New England Board of Higher Education has, over the course of the last 50 years, saved New England students and their families millions of dollars in annual tuition bills. The New England Board of Higher Education provides professional development training to prepare the region's high school teachers and college faculty to teach in the fields of math, science and technology for thousands of New England's middle, high school and college students.

The Excellence Through Diversity program of the New England Board of Higher Education provides an academic support network to inspire, inform and motivate underrepresented high school students to apply to college, performs research relating to underrepresented groups enrolled in science, technology, engineering and mathematics programs in New England, and supports efforts to increase the number of minority doctoral scholars at New England colleges and universities.

Connection: The Journal of the New England Board of Higher Education is America's only regional magazine on higher education and economic development that provides a key policy forum for New England educators, busi-

ness leaders, and policymakers to share best practices and current views on higher education and economic development.

For the past 50 years, hundreds of New England's leading citizens in government, education, and business have served as delegates to the New England Board of Higher Education to encourage regional cooperation, increase educational opportunities for residents of the region, and strengthen the relationship between higher education and the region's economy.

We join to congratulate the New England Board of Higher Education on the occasion of its 50th anniversary, and commend the New England Board of Higher Education for its service to New England residents and its commitment to excellence in higher education, and in particular, its distinguished Board of Delegates led by the Honorable Louis D'Allesandro of New Hampshire and its president and CEO, Dr. Evan S. Dobelle of Massachusetts.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In September of 2004, two transgender women were attacked by a group of six or seven teenagers in Washington, DC. One of the women, Kerri Kellerman, suffered two broken ribs, a fractured skull, and a facial wound requiring 40 stitches after being beaten with a brick and a metal padlock. The other woman, a 25-year-old named Jaimie Fischer, reports that the assailants yelled slurs about the victim's sexual orientation during the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### ETHA AND DRUG-RESISTANT HIV STRAINS

Mr. SMITH. Mr. President, I discuss a rare strain of HIV that is highly resistant to most antiretroviral drugs and causes a rapid onset of AIDS that was recently discovered in a patient in New York City. The strain, identified as 3-DCR HIV, is resistant to 3 of the 4 classes of antiretroviral drugs, which means that 19 of the 20 available antiretroviral drug combinations