

(12) The Members of the Board of Directors of the National Consumer Cooperative Bank (3 Members).

(13) The Members of the Board of Directors of the National Institute of Building Sciences (6 Members).

(14) The Members of the Board of Directors of the Securities Investor Protection Corporation (5 Members).

(15) The Members of the Board of Directors of the Metropolitan Washington Airport Authority (3 Members).

(16) The Members of the Saint Lawrence Seaway Development Corporation Advisory Board (5 Members).

(17) The Members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (9 Members).

(18) The Members of the Board of Trustees of the Federal Hospital Insurance Trust Fund (2 Members).

(19) The Members of the Board of Trustees of the Federal Old Age and Survivors Trust Fund and Disability Insurance Trust Fund (2 Members).

(20) The Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund (2 Members).

(21) The Members of the Social Security Advisory Board (3 Members).

(22) The Members of the Board of Directors of the African Development Foundation (7 Members).

(23) The Members of the Board of Directors of the Inter American Foundation (9 Members).

(24) The Commissioners of the United States Advisory Commission on Public Diplomacy (7 Members).

(25) The Members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation (8 Members).

(26) The Members of the Board of Trustees of the Harry Truman Scholarship Foundation (8 Members).

(27) The Members of the Board of Trustees of the James Madison Memorial Fellowship Foundation (6 Members).

(28) The Members of the Board of Directors of the Legal Services Corporation (11 Members).

(29) The Members of the Foreign Claims Settlement Commission (2 Members).

(30) The Members of the Board of Directors of the State Justice Institute (11 Members).

(31) Chief Financial Officer, from the following:

- (A) Department of Agriculture.
- (B) Department of Commerce.
- (C) Department of Defense.
- (D) Department of Education.
- (E) Department of Energy.
- (F) Department of Environmental Protection Agency.
- (G) Department of Health and Human Services.
- (H) Department of Homeland Security.
- (I) Department of Housing and Urban Development.
- (J) Department of the Interior.
- (K) Department of Labor.
- (L) National Aeronautics and Space Administration.
- (M) Department of State.
- (N) Department of Transportation.
- (O) Department of the Treasury.
- (P) Department of Veterans Affairs.

(32) Assistant Secretary for Financial Management of the Air Force.

(33) Assistant Secretary for Financial Management of the Army.

(34) Assistant Secretary for Financial Management of Navy.

(35) Controller, Office of Federal Financial Management, Office of Management and Budget.

(36) Assistant Secretaries or other officials whose primary responsibility is legislative affairs from the following:

- (A) Department of Agriculture.
- (B) Department of Energy.
- (C) Department of Defense.
- (D) Department of Housing and Urban Development.
- (E) Department of Commerce.
- (F) Department of Treasury.
- (G) Department of State.
- (H) Department of Health and Human Services.
- (I) United States Agency for International Development.
- (J) Department of Education.
- (K) Department of Labor.
- (L) Department of Justice.
- (M) Department of Veterans Affairs.
- (N) Department of Transportation.
- (37) Commissioner, Rehabilitative Services Administration, Department of Education.
- (38) Commissioner, Administration for Children, Youth, and Families, Department of Health and Human Services.
- (39) Commissioner, Administration for Native Americans, Department of Health and Human Services.
- (40) Federal Coordinator, Alaska Natural Gas Transportation Projects.
- (41) Assistant Secretary for Administration, Department of Commerce.

SEC. 3. EXECUTIVE CALENDAR.

The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this resolution.

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

This resolution shall take effect 60 days after the date of adoption of this resolution.

Mr. KERRY. Mr. President, I want to reduce the amount of duplication and overlap in federal agencies and I am prepared to vote to eliminate duplicative programs. That is my responsibility as a Senator. However, I believe this must be done in a responsible manner and not passed off to a third party. I opposed the Coburn amendment because it would cause needless delay to the consideration of important legislation by the Senate. It would give additional power to the staff of the Congressional Research Service. It would increase Congressional spending when we are working to reduce our Federal budget deficit and our Federal debt.

The amendment would change the Standing Rules of the Senate to require the Congressional Research Service—CRS—to complete a study to examine the potential for duplicative programs for every bill that is passed out of committee before it is in order to be considered by the full Senate.

This amendment will not end duplication of government programs. But it will make it more difficult for the Senate to do the Nation's business. The Coburn amendment will allow any Senator to block floor consideration of a bill if the CRS assessment has not been completed. The amendment does not

place any time limits on the CRS to make the assessment of whether the programs included in legislation are duplicative. The amendment does not define key terms such as "program" or "initiative" that are crucial to performing the assessment.

The amendment states that every bill that comes to the floor must contain a full evaluation and report by CRS. The CRS report must examine every potential Federal program that might overlap with the one proposed.

How long would CRS have to do such a report? I don't know because the amendment does not include time limits for the CRS to provide these reports. Therefore, CRS could block consideration of important legislation by simply not meeting its responsibilities.

We have always been very careful in making changes to the Standing Rules of the Senate. This proposal has not come before the Rules Committee in any way and thus has not been considered or vetted by the committee of jurisdiction. If we are serious about such a change, it should receive the appropriate review before being adopted.

The PRESIDING OFFICER. The Senator from Hawaii.

MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business for debate only until 8 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR SENTENCING ACT GUIDELINE AMENDMENT

Mr. DURBIN. Mr. President, the bipartisan United States Sentencing Commission was created by Congress to establish guidelines that are used by Federal judges when they sentence criminal defendants. Tomorrow, the Sentencing Commission will take an important vote. The Commission is considering whether to apply retroactively the sentencing guideline amendment implementing the Fair Sentencing Act of 2010. As the lead sponsor of the Fair Sentencing Act, I urge the Commission to apply this amendment retroactively.

Just last year, Democrats and Republicans joined together to pass the Fair Sentencing Act, bipartisan legislation that reduced the disparity between crack and powder cocaine sentencing.

For more than 20 years, we had a 100-to-1 crack-powder sentencing disparity. It took 100 times more powder cocaine than crack cocaine to trigger the same harsh mandatory minimum sentences. Simply possessing 5 grams of crack carried the same penalty as selling 500 grams of powder.

This disparity was one of the most significant causes of unequal incarceration rates between African Americans and Caucasians. The following statistic