

1989

Library Services Improvement Act (1989): Report 09

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Unlike the pretrial detention setting in which the presumption of innocence creates a need for flexibility in setting bail, there is little need for judicial discretion to release those who have been found guilty. While the intent of the bill is to limit judicial discretion in the case of convicted drug traffickers or violent criminals, the Justice Department has recommended that in certain limited circumstances the judicial officer should retain discretion. First, in the presentencing setting; if the attorney for the government will recommend a sentence of no incarceration or if the judicial officer finds that there is a substantial likelihood the defendant's motion for new trial or acquittal will be granted and the defendant is not likely to flee or pose a danger to the community, the judicial officer may release the defendant. Second, in the appeals setting, if the attorney for the government files a motion indicating that there are exceptional circumstances which warrant release and the defendant is not likely to flee or pose a danger to the community, the judicial officer may order release.

Over the past several months the Judiciary Committee has held numerous hearings on the continuing problem of drugs and violence in America. The hearings demonstrate the grave concern of the American public about drug abuse and the violence that often goes hand in hand with drug trafficking. Various solutions have been suggested to solve the problem, and committee members favor different approaches. The committee is in agreement, however, that those who have been convicted of violent crimes or serious drug trafficking offenses should not be let right back on the street.

S. 1259 will alleviate this problem on the Federal level, serve as a model for the States which are experiencing problems and ensure that drug traffickers and violent criminals will not be out on bail. I urge the Senate to expeditiously pass this important measure.●

A SALUTE TO THE UNIVERSITY OF COLORADO GOLDEN BUFFALOES

● Mr. WIRTH. Mr. President, allow me this opportunity to venture from the forum of political debate to take notice of a success in a separate arena from which we can all gain inspiration. At this time, I would like to extend my congratulations to the University of Colorado Golden Buffaloes who were victorious this weekend over arch-rival Nebraska.

The Buffs have risen from a 1-10 season just 6 short years ago to become a national powerhouse at the collegiate level. Overcoming a series of

unfortunate incidents off the gridiron, including the death of star quarterback and team leader Sal Aunese, this group of young men has formed a cohesive unit working to set an inspirational tone for the entire university community. Their dedication and determination has brought them to a level of excellence not seen by the University of Colorado for many years.

The Buffaloes are alone at the top of the Big Eight standings with only two games left in the season. The Buffaloes' defeat of Nebraska at Folsom Field in Boulder on Saturday will all but assure them of a trip to the Orange Bowl to go head-to-head for the national championship against No. 1 ranked Notre Dame. It has been a great season for the Buffs and they played a superb game last Saturday.

What makes the team's achievement so impressive is not just their undefeated record, but the personal and moral change that has occurred in each individual team member. We have all heard the stories about the troubles of athletes at major universities and it would be misleading to say that the CU football team has been without its share of problems. But the Buffs have taken the difficult steps to turn their own lives around and they serve as an inspiration to us all. Head Coach Bill McCartney and the CU team have worked their way into the hearts of every Coloradan and as they are saying in Boulder today, "things have changed."

As the Buffs face their final Big Eight Conference games against Oklahoma State and Kansas State, teams which can not be taken lightly, I join my fellow Coloradans in looking forward to an invitation to the Orange Bowl for CU and a chance to play Notre Dame for the national championship. Congratulations and go Buffs.●

STAR PRINT OF SENATE REPORT 101-170

Mr. FOWLER. I ask unanimous consent that report 101-170, to accompany S. 32 be star printed to reflect the changes which I now send to the desk.

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

LIBRARY SERVICE AND CONSTRUCTION ACT AMENDMENTS

Mr. FOWLER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2742.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2742) entitled "An Act to extend and amend

the Library Services and Construction Act, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Hawkins, Mr. Williams, Mr. Ford of Michigan, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Gaydos, Mr. Miller of California, Mrs. Lowey of New York, Mr. Poshard, Mr. Gooding, Mr. Coleman of Missouri, Mrs. Roukema, Mr. Tauke, Mr. Gunderson, and Mr. Henry, be the managers of the conference on the part of the House.

Mr. FOWLER. Mr. President, I move that the Senate insist upon its amendment, agree to the conference requested by the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. SIMON, Mr. HATCH, and Mrs. KASSERBAUM conferees on the part of the Senate.

Mr. FOWLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Nevada, I ask unanimous consent that the order for the quorum call be dispensed with.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 2:06 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 10:21 p.m., when called to order by the Presiding Officer (Mr. Fowler).

ORDERS FOR WEDNESDAY, NOVEMBER 8, 1989

RECESS UNTIL 10:15 A.M.; MORNING BUSINESS, AND RESUME CONSIDERATION OF H.R. 2710

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:15 a.m. tomorrow, Wednesday, November 8, and that following the time for the two leaders, there be a period for morning business until 10:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 10:45 a.m., the Senate will resume consideration of H.R. 2710, the minimum wage bill.

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

advance these kinds of actions that can help both you and your subcontractors.

In closing, I hope it is clear that the role and responsibilities of the Federal Government in general—and the Commerce Department in particular—have been changing as the technological and economic environment faced by our aerospace industry changes. Those of us in key positions at Commerce must be—and are—very mindful of overseas competition and the implications of aerospace industry internationalization on American economic and military well-being. We all need to work together so that this crucial industry remains a strong and vital part of the U.S. and global economies as we move into the 21st century.

Thank you. Good Luck! God bless!

BUDGET SCOREKEEPING REPORT

● **Mr. SASSER.** Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by \$8.5 billion in budget authority, and over the budget resolution by \$10.4 billion in outlays. Current level is under the revenue floor by \$4.7 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is \$120.5 billion, \$20.5 billion above the maximum deficit amount for 1990 of \$100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 1989.

HON. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1990 and is current through November 3, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 concurrent resolution on the Budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my report dated October 31, 1989, the President has signed into law the following bills: the Disaster Assistance Act (Public Law 101-134); the Treasury, Postal Service, and General Government Appropriation bill, 1990 (Public Law 101-136); and the Defense Production Act Extension (Public Law 101-137). These actions increased the current level estimate of budget authority, outlays, and revenues.

Sincerely,

ROBERT D. REISCHAUER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101st CONG., 1ST SESS., AS OF NOV. 3, 1989

(In billions of dollars)

	Current level *	Budget resolution, H. Con. Res. 106	Current level +/- resolution
FISCAL YEAR 1990			
Budget authority	1,320.9	1,329.4	-8.5
Outlays	1,175.6	1,165.2	10.4
Revenues	1,063.0	1,065.5	-2.5
Debt subject to limit	2,933.0	3,122.7	-289.7
Direct loan obligations	17.9	15.3	-2.6
Guaranteed loan commitments	107.0	107.3	-.3
Deficit	120.5	100.0	20.5

* The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions, in accordance with sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

† Maximum deficit amount (MIDA) in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

* Current level plus or minus MIDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 3, 1989

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	956,154	796,867	
Other appropriations		214,199	
Offsetting receipts	-193,106	-193,106	
Total enacted in previous sessions	773,048	817,960	1,068,600
II. Enacted this session:			
Adjust purchase price for certain dairy products (Public Law 101-7)		-25	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	13	7	
Disaster emergency and urgent supplemental appropriations (Public Law 101-45)	-21	802	
Apex Project, Nevada Land and Water Transfer Act (Public Law 101-67)	-2	-2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101-73)	2,200	1,400	594
Allow planting of alternative crops on permitted acreage (Public Law 101-81)	-10	-10	
Disaster Assistance Act of 1989 (Public Law 101-82)	502	504	
Sec. 107: Disaster Relief and Emergency Assistance (Public Law 101-100)		443	
Energy and Water Development Appropriations (Public Law 101-101)	18,625	11,254	
Performance Management and Recognition Systems Reauthorization Act (Public Law 101-103)		-125	
Extension of certain veterans programs (Public Law 101-110)	(¹)	(¹)	
Interior Appropriations (Public Law 101-121)	11,018	7,352	
Sec. 108: Emergency supplemental to meet the needs of natural disasters (Public Law 101-130)	2,850	1,067	
Disaster Assistance Act (Public Law 101-134)	9	9	
Treasury-Postal Appropriations, 1990 (Public Law 101-136)	16,394	16,268	500
Offsetting Receipts	-5,212	-5,212	
Defense Production Act Extension (Public Law 101-137)	-3	-180	
Total enacted this session	48,363	33,542	1,094

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 3, 1989—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
III. Continuing resolution authority:			
Further Continuing Appropriations (Public Law 101-130)	529,439	351,504	
IV. Conference agreements ratified by both Houses: Child Nutrition and WIC Reauthorization Act (H.R. 24)			
V. Entitlement authority and other mandatory items requiring further appropriation action, continued:			
FEMA: Disaster relief	1,100	883	
Firefighting adjustments	624	192	
Administration of territories	1		
Compensation	457	412	
Payment to civil service retirement	(84)	(84)	
Government payment for annuitants	-3	-3	
Total entitlement authority	-1,271	-666	
VI. Adjustment for Economic and Technical Assumptions			
Total current level as of Nov. 3, 1989	1,320,894	1,175,577	1,064,794
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		10,377	
Under budget resolution	8,506		4,706

* Extension of certain veterans programs (Public Law 101-110) decreases current law estimates for Loan Guaranty Revolving Fund; Child Nutrition-WIC (H.R. 24) increases current law for Child Nutrition Programs. Effects of both are reflected in Further Continuing Appropriations (Public Law 101-130).

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.

THE MANDATORY DETENTION FOR DEFENDANTS CONVICTED OF SERIOUS CRIMES ACT

● **Mr. SIMON.** Mr. President, I rise today in support of the Mandatory Detention for Defendants Convicted of Serious Crimes Act. The primary purpose of this act is to prevent the release on bail of convicted drug traffickers or violent criminals who are awaiting sentencing or appeal. There is simply no reason that an individual convicted of these offenses should be back on the street. This legislation would ensure that dangerous individuals are kept where they belong, in prison.

In 1984, Congress dramatically changed the bail system. Prior to 1984, a defendant could be detained only if there was a risk that he would flee before trial. After the 1984 act, a defendant could be detained if, after a hearing, he was found to pose a danger to the community. The 1984 Bail Reform Act is an improvement from the old law in protecting the community from dangerous individuals and ensuring that defendants are accorded procedural safeguards. Under current law, however, a judge has discretion to release a convicted defendant pending sentencing or appeal. The purpose of this legislation is to close this loophole by narrowing the judicial officer's discretion in cases where the defendant has been convicted of drug trafficking or violent crime.