

only, which provides a very limited market for the fruits of convict labor.

These statutes were a form of protectionism—to protect providers of goods and services in the free market from having to compete with convict labor. Small businesses and labor unions view such competition as unfair, and have successfully prevented relaxation of the statutes. When Congress tried to change the laws in 1979, the best it could do was allow prisoner work if they are paid the prevailing wage, labor union officials approve, local labor is unaffected, and no local unemployment is produced. These criteria are nearly impossible to meet, so a mere 1,660 prisoners, out of 1 million, were working under these waivers in 1994.

It was not always this way. In the last century, prisons earned a major part of their daily cost by leasing convict labor to private employers. In 1885, three-fourths of prison inmates were involved in productive labor, the majority working for private employers under contract and leasing arrangements.

By the 1930s only 44 percent worked, and nearly all worked for state industries rather than for private employers. A 1990 Census found that only 11 percent of prisoners worked in prison manufacturing or farming, down from 16 percent in 1984. If part-time work in laundry and food services is included, only about half of prisoners work.

Many prisoners are eager to work, if only to relieve the tedium of prison life. But more important is that the work is good for society in the long run because it reduces crime. A 1983-87 Federal Post-Release Employment Project study confirmed that employed prisoners do better than others without jobs. Prisoners who work have fewer disciplinary problems in prison and lower rates of re-arrest; they are more likely to get a full-time job; more likely to quit their job in favor of a better-paying job; and less likely to have their supervision revoked for a parole violation or new crime. In the words of Thomas Townsend, president of the Corrections Industry Association, "It's a matter of public safety; inmates who have worked in prison, and gained new skills have a significantly better chance of not returning to crime and prison."

The only disadvantages of more work opportunities for prisoners are the feared competitive effects on local labor markets. But the government's first responsibility is to citizens, not to narrow interest groups. New production benefits all Americans. It raises the demand for their services and creates new goods for purchase. Competition is the strength of our economic system, not a wrong to be righted, so our policies should be breaking down, not erecting, barriers to work—especially when the work will make the streets safer for the rest of us.

Allowing prisoners to work makes sense. Begin by repealing state and federal limitations on inmate pay. Let responsible private businesses competitively bid for the use of prison labor. Let prisons "profit" from accepting these contracts. Provide monetary incentives to prisons and their wardens for leading their institutions to self-sufficiency.

It won't be easy for the private-sector bidders, because prison labor is not easy to use. Difficulties include security problems, lack of skills and good work habits, remote prison locations, and poor worker productivity. At least at the beginning, the market value of prisoner labor will be very low and the quality of their work poor. But both will improve as skills improve.

Across the country a million prisoners are serving time in jail. Each month, 40,000 of them are released under mandatory supervision, on parole, or at the conclusion of their sentences. Our streets would be safer and the crime rate lower if these men had a skill, a job, and the beginning of a future. •

TRIBUTE TO REV. WAYNE SMITH

Mr. McCONNELL. Mr. President, I rise today to recognize Rev. Wayne B. Smith, a man who has served his church, and central Kentucky, for more than 40 years. Reverend Smith is retiring as senior minister of Southland Christian Church in Lexington, which has the area's largest Protestant congregation.

Reverend Smith was 27 years old when he became Southland's founding pastor in 1956. Forty years later he is the only senior minister the church has had and is now one of the most well-known ministers in central Kentucky. Southland Christian has flourished under Reverend Smith, who has a congregation of more than 3,800 plus 50,000 on TV and radio. Known for his sense of humor, Reverend Smith is often referred to as "the Bob Hope of the ministry."

Reverend Smith has been named 1 of the 13 most influential people in Lexington. He served two terms as president of the Lexington Ministerial Association and is a past president of the North American Christian Convention. He is also the charter president of the Lexington Bluegrass Breakfast Lions Club.

Many of Reverend Smith's friends and colleagues have praised him for his humility and his many acts of kindness. Upon his announcement of retirement to the congregation, one Southland member said, "It won't be the same. He is one of those people who you don't replace. There were several people, including me, who had tears in their eyes."

At a farewell ceremony for Reverend Smith, which attracted a crowd of approximately 7,000, his friends gave testimonial after testimonial praising him for being a great servant of the Lord. In his resignation letter, Smith addressed his congregation saying, "You have been a wonderful flock; but also * * * my friends. We have never, for even a moment, felt unloved."

Reverend Smith and his wife Marjorie have two daughters and five grandchildren. Although he is retiring, Reverend Smith won't be able to rest for long as his future plans include speaking engagements and revival meetings across the country.

Mr. President, I would like to pay special tribute to Rev. Wayne B. Smith for his dedicated service to his church, his family, and his community.

HONORING AARON FEUERSTEIN

• Mr. KERRY. Mr. President, after the devastation of a mill fire in Methuen, MA, threatened the community and 2,400 workers who depended on it, Aaron Feuerstein could have turned his back on his employees and closed the factory or moved it out of State. But he chose to stay. He chose to help, and to give something back to those who worked for him. He offered to pay everyone, and he even gave his employees

their Christmas bonuses, will pay their health care premiums for 90 days, and is working to open the factory again as soon as possible.

Mr. President, Aaron Feuerstein's extraordinary generosity during this holiday season has moved Massachusetts and the Nation, and made all of us believe again in the power of community and the real spirit of America. What he has done to help so many families will never be forgotten, and I know that my colleagues in the Senate join me in congratulating him for setting an example of loyalty, leadership, and compassion which is too often lacking in contemporary American society.

He has shown us what true success in business is all about, and what our economy is all about. It's about helping people and families to prosper and to grow together—build together and work together toward a common goal.

The news reports of the reactions of Aaron's workers to his generosity are heartwarming; and the warm response of his loyal employees is a tribute to him and should be the greatest holiday gift anyone could receive.

Mr. President, Aaron Feuerstein has earned a special place in our hearts, and has set a new standard for American corporate leadership.

I have joined with the distinguished senior Senator from Massachusetts and the Massachusetts congressional delegation in pledging to do what we can, at the Federal level, to help this factory and community recover from this catastrophic fire, and I know that my colleagues in the Senate will join me in congratulating Aaron for showing America that loyalty is an essential ingredient not only in business but in the life of a community.

Mr. President, I ask that a recent editorial from the Boston Globe by David Nyhan about the generosity of Aaron Feuerstein be printed in the RECORD.

The editorial follows:

THE MENSCH WHO SAVED CHRISTMAS

(By David Nyhan)

Were it not for the 45-mile-an-hour winds ripping out of the Northwest, the sparks that they carried and the destruction they wrought, Aaron Feuerstein today would be just another rich guy who owned a one-time factory, in a country full of the same.

But the fire that destroyed New England's largest textile operation Monday has turned this 70-year-old businessman into a folk hero. If a slim, determined, devoutly-Jewish textile manufacturer can be Santa Claus, then Feuerstein is, to 2,400 workers whose jobs were jeopardized by the fire.

The flames, so intense and widespread that the smoke plume appeared in garish color on TV weathermen's radar maps, presented Feuerstein with a stark choice: Should he rebuild, or take the insurance money and bag it?

Aaron Feuerstein is keeping the paychecks coming, as best he can, for as long as possible, while he rushes to rebuild, and restore the jobs a whole valley-full of families depend upon.

Everybody got paid this week. Everybody got their Christmas bonus. Everybody will get paid at least another month. And Feuerstein will see what he can do after

that. But the greatest news of all is that he will rebuild the factory.

The man has a biblical approach to the complexities of late-20th-century economics, capsulated by a Jewish precept:

"When all is moral chaos, this is the time for you to be a mensch."

In Yiddish, a mensch is someone who does the right thing. The Aaron Feuerstein thing. The chaos was not moral but physical in the conflagration that began with an explosion and soon engulfed the four-building Malden Mills complex in Methuen, injuring two dozen workers, a half-dozen firemen and threatening nearby houses along the Merrimack River site.

The destruction was near-absolute. It is still inexplicable how no one perished in a fast-moving firestorm that lit up the sky. This was one of New England's handful of manufacturing success stories, a plant that emerged from bankruptcy 14 years ago. The company manufactures a trademark fabric, Polartec fleece, used extensively in outdoor clothing and sportswear by outfits such as L. L. Bean and Patagonia.

The company was founded by Feuerstein's grandfather in 1907, and its history over the century has traced the rise, fall and rise again of textile manufacturing in New England mill towns.

Most of the textile makers fled south, leaving hundreds of red brick mausoleums lining the rocky riverbeds that provided the water-power to turn lathes and looms before electricity came in. The unions that wrested higher wages from flinty Yankee employers were left behind by the companies that went to the Carolinas and elsewhere, to be closer to cotton and farther from unions.

The Feuerstein family stuck it out while many others left, taking their jobs and their profits with them. The current boss is one textile magnate who wins high praise from the union officials who deal with him.

"He's a man of his word," says Paul Coorey, president of Local 311 of the Union of Needleworkers, Industrial and Textile Employees. "He's extremely compassionate for people." The union's New England chief, Ronald Alman, said: "He believes in the process of collective bargaining and he believes that if you pay people a fair amount of money, and give them good benefits to take care of their families, they will produce for you."

If there is an award somewhere for a Compassionate Capitalist, this man should qualify, hands-down. Because he is standing up for decent jobs for working people at a time when the vast bulk of America's employer class is chopping, slimming, hollowing-out the payroll.

Job loss is the story of America at the end of the century. Wall Street is going like gangbusters, but out on the prairie, and in the old mill towns, and in smalltown America, the story is not of how big your broker's bonus is this Christmas but of how hard it is to keep working.

The day after the fire, Bank of Boston announced it will buy BayBanks, a mega-merger of financial titans that will result in the elimination of 2,000 jobs. Polaroid, another big New England employer, announced it would pare its payroll by up to 2,000 jobs. Across the country, millions of jobs have been eliminated in the rush to lighten the corporate sled by tossing overboard anyone who could be considered excess baggage by a Harvard MBA with a calculator for a heart.

Aaron Feuerstein, who went from Boston Latin High School and New York's Yeshiva University right into the mill his father owned, sees things differently: The help is part of the enterprise, not just a cost center to be cut.

"They've been with me for a long time. We've been good to each other, and there's a

deep realization of that, that is not always expressed, except at times of sorrow."

And it is noble sentiments like those, coming at a time when they are most needed, that turns times of sorrow into occasions of triumph. ●

VICTIMS RESTITUTION ENFORCEMENT ACT OF 1995

● Mr. ABRAHAM. Mr. President, I ask that the text of my bill, S. 1504, the Victims Restitution Enforcement Act of 1995 be printed in the RECORD.

The text of the bill follows:

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims Restitution Enforcement Act of 1995".

SEC. 2. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION ORDER.

(a) IN GENERAL.—Section 3664 of title 18, United States Code, is amended to read as follows:

"§3664. Procedure for issuance and enforcement of order of restitution

"(a) For orders of restitution under this title, the court shall order the probation service of the court to obtain and include in its presentence report, or in a separate report, as the court directs, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation service shall so inform the court.

"(b) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

"(c) The provisions of this chapter, chapter 227, and Rule 32(c) of the Federal Rules of Criminal Procedure shall be the only rules applicable to proceedings under this section.

"(d)(1)(A) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property or assets necessary to satisfy a criminal restitution order under this subchapter. Such order may be entered in the following circumstances:

"(i) Prior to the filing of an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that—

"(I) there is a substantial probability that the United States will obtain a criminal restitution order;

"(II) the defendant has or is likely to take action to dissipate or hide the defendant's property or assets; and

"(III) the need to preserve the availability of the property or assets through the requested order outweighs the hardship of any party against whom the order is entered.

"(ii) Upon the filing of an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that the defendant has or is likely to take action to dissipate or hide the defendant's property or assets.

"(iii) Upon the conviction, or entry of a guilty plea, to an indictment or information charging an offense that may result in a criminal restitution order, and upon the United States showing that the defendant may take action to dissipate or hide the defendant's property or assets or that an order is necessary to marshal and determine the defendant's property or assets.

"(B) An order entered pursuant to subparagraph (A) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A)(ii) has been filed.

"(2)(A) Except as provided in paragraph (3), an order entered under this subsection shall be after notice to persons appearing to have an interest in the property and opportunity for a hearing, and upon the United States carrying the burden of proof by a preponderance of the evidence.

"(B) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

"(3)(A) A temporary restraining order may be entered without notice or opportunity for a hearing if the United States demonstrates that—

"(i) there is probable cause to believe that the property or assets with respect to which the order is sought would be subject to execution upon the entry of a criminal restitution order;

"(ii) there is a substantial probability that the United States will obtain a criminal restitution order; and

"(iii) the provision of notice would jeopardize the availability of the property or assets for execution.

"(B) A temporary order under this paragraph shall expire not later than 10 days after the date on which it is entered, unless—

"(i) the court grants an extension for good cause shown; or

"(ii) the party against whom the order is entered consents to an extension for a longer period.

"(C) A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

"(4)(A) Information concerning the net worth, financial affairs, transactions or interests of the defendant presented to the grand jury may be disclosed to an attorney for the government assisting in the enforcement of criminal restitution orders, for use in the performance of that attorney's duties.

"(B)(i) An attorney for the government responsible for the prosecution of criminal offenses, or responsible for the enforcement of criminal restitution orders, may obtain and use consumer credit reports to—

"(I) obtain an order under this section;

"(II) determine the amount of restitution that is appropriate; or

"(III) enforce a criminal restitution order.

"(ii) This subparagraph does not limit the availability of grand jury subpoenas to obtain such credit reports.

"(iii) Upon conviction, such reports may be furnished to the United States Probation Service.

"(e)(1)(A) Within 60 days after conviction, and in any event not later than 10 days prior to sentencing, the attorney for the United States after consulting with all victims (when practicable), shall promptly provide the probation service of the court all information readily available to the attorney, including matters occurring before the grand jury relating to the identity of the victim or victims, the amount of loss, and financial matters relating to the defendant.