

(A) by striking "A fine" and inserting the following:

"(1) FINES.—A fine";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting accordingly; and

(C) by adding at the end the following new paragraphs:

"(2) RESTITUTION.—(A) An order of restitution shall operate as a lien in favor of the United States for its benefit or for the benefit of any non-Federal victims against all property belonging to the defendant or defendants. The lien shall arise at the time of the entry of judgment or order and shall continue until the liability is satisfied, remitted, or set aside, or until it becomes otherwise unenforceable. Such lien shall apply against all property and property interests owned by the defendants at the time of arrest as well as all property subsequently acquired by the defendant or defendants.

"(B) The lien shall be entered in the name of the United States in behalf of all ascertained victims, unascertained victims, victims entitled to restitution who choose not to participate in the restitution program and victims entitled to restitution who cannot assert their interests in the lien for any reason.

"(3) JOINTLY HELD PROPERTY.—(A)(i) If the court enforcing an order of restitution under this section determines that the defendant has an interest in property with another, and that the defendant cannot satisfy the restitution order from his or her separate property or income, the court may, after considering all of the equities, order such jointly owned property be divided and sold, upon such conditions as the court deems just, regardless of any Federal or State law to the contrary.

"(ii) The court shall take care to protect the reasonable and legitimate interests of the defendant's innocent spouse and minor children, especially real property used as the actual home of such innocent spouse and minor children, except to the extent that the court determines that the interest of such innocent spouse and children is the product of the criminal activity of which the defendant has been convicted, or is the result of a fraudulent transfer.

"(B) In determining whether there was a fraudulent transfer, the court shall consider whether the debtor made the transfer—

"(i) with actual intent to hinder, delay, or defraud the United States or other victim; or

"(ii) without receiving a reasonably equivalent value in exchange for the transfer.

"(C) In determining what portion of such jointly owned property shall be set aside for the defendant's innocent spouse or children, or whether to have sold or divided such jointly held property, the court shall consider—

"(i) the contributions of the other joint owner to the value of the property;

"(ii) the reasonable expectation of the other joint owner to be able to enjoy the continued use of the property; and

"(iii) the economic circumstances and needs of the defendant and dependents of the defendant and the economic circumstances and needs of the victim and the dependents of the victim.".

#### SEC. 4. FINES.

Section 3572(b) of title 18, United States Code, is amended to read as follows:

"(b) Any fine, special assessment, restitution, or cost shall be for a sum certain and payable immediately. In no event shall a defendant incur any criminal penalty for failure to make a payment on a fine, special assessment, restitution, or cost because of the defendant's indigency."

#### SEC. 5. RESENTENCING.

Section 3614 of title 18, United States Code, is amended by inserting "or may increase the defendant's sentence to any sentence that might originally have been imposed under the applicable statute" after "imposed".

#### ERNEST L. BOYER

●Mr. SIMON. Mr. President, in the early part of December, the Nation lost one of the finest public officials it has ever had, Ernest L. Boyer, who was a commissioner of education under President Carter and head of the Carnegie Foundation for the Advancement of Teaching.

I have had the opportunity of working with him on a number of issues. He was a genuinely fine human being and an unusually competent and dedicated public servant.

Those of us who worked with him know that in addition to everything else, he was simply "a nice guy."

His loss is a huge loss to the Nation.

I was pleased with the editorial comment of the Washington Post which I ask to be printed in full in the RECORD.

The article follows:

[From the Washington Post]

ERNEST L. BOYER

The progress of "education reform" is always hard to track: Where are all these "reforms" going, and how can we tell when they get there? One of the few voices that helped answer the latter question was that of Ernest L. Boyer, who died last week. Mr. Boyer, head of the Carnegie Foundation for the Advancement of Teaching, had been commissioner of education under President Carter and before that the president of the State University of New York. He was once introduced to a Washington gathering as "a man who has never had an unpublished thought."

But Mr. Boyer's real contribution, in a debate that tends to be by turns faddish and cacophonous, was not just to be widely heard but to cling tenaciously over the years to a few simple principles. One was that the high school diploma should mean something: Schools, school systems and state legislatures should cease giving graduation credit for shopping-mall-style electives or "business math" and insist on solid fare such as four years of English, two of algebra, history in place of "social studies."

That insistence prevailed in enough places and has been in effect long enough to have produced results, as high schools report toughened standards and a few colleges say students are better prepared. Another strongly held Boyer view was that early childhood education and nutrition made a dramatic difference in children's futures; yet another, that the large schools so popular in the 1960s and 1970s were bad for students who, especially in urban systems and at the critical junior high school level, were suffering already from a lack of adult attention in their lives. "Too often when students 'drop out,'" he wrote, "nobody has ever noticed they had 'dropped in.'"

These ideas, neither complicated nor trendy, can be all the harder to focus public attention on for their lack of drama. But they need to be stated, and stated over and over as the wave of "education reform" launched by the 1983 report called "A National At Risk" gets increasingly diffuse and degenerates into political quarreling. More than anything else, education—real edu-

cation that gets somewhere—implies long and low-key effort, sustained attention to the child at hand. Mr. Boyer was such an educator, whose patience and consistency carried as much influence as the quality of the ideas he put forward.●

#### CARMEN AND VINCENT AITRO

●Mr. LIEBERMAN. Mr. President, I rise today to recognize two exemplary citizens from the State of Connecticut, Carmen and Vincent Aitro. These two men, twin brothers, have worked tirelessly to help their community and to improve the lives of Connecticut's youths. The Aitro brothers have a long-standing history of dedication to the New Haven area community-service organizations.

Carmen and Vincent Aitro have used sports to instill positive values and principles into the young people they involve. They have directed or coached numerous teams and athletic organizations in sports, including baseball, basketball, and softball. Many of their teams excelled on the field, winning numerous league and State championships. The young people coached by the twins have received invaluable benefits, not just in terms of athletic skills, but also, more importantly, skills and attitudes that will aid and guide them throughout their lives.

The Aitro brothers have already been recognized by their community. They have served on the board of directors of many organizations, among which are the Walter Camp Football Foundation, the New Haven Boys and Girls Club Board of Managers, and the Commissioner of the New Haven Housing Authority. The honors Carmen and Vincent have accrued are numerous, but include The Dante Club Old Timers Award, the Andy Papero Bronco League Man of the Year, the Boys Club Alumni Gold Ring Award, and the Walter Camp Award.

Therefore, Mr. President, I believe that these two outstanding individuals should be commended for their many years of service and dedication. These are two men who truly made a difference through their accomplishments, and their nature of generosity and selflessness will long be remembered.●

#### ARTHUR M. WOOD, JR.

●Mr. MACK. Mr. President, I rise today to honor Arthur M. Wood, Jr., who will be awarded the Institute of Human Relations Award on February 20, 1996 by the southwest Florida chapter of the American Jewish Committee. The award is given annually to a member of the community who best exemplifies what the institute stands for—building mutual respect and understanding among America's diverse populations.

Arthur M. Wood, Jr. was born in Chicago on October 11, 1950. After growing up in northern Illinois and southern California, he graduated from Princeton University with a B.A. degree in

English in 1972. In 1975, he received his master's degree from Northwestern University's Kellogg Graduate School of Management with a concentration in finance, marketing, and organizational behavior.

Art was appointed president of Northern Trust Bank in 1987. Since that time he and his wife Peggy, a former vice president of J. Walter Thompson Co., helped raise millions of dollars for philanthropies in the Sarasota area.

Art's continuous involvement in the community has included philanthropies and civic causes of all sizes and scope. He chairs the Van Wezel Foundation and is a former treasurer. He is chairman of New College Foundation; and a member of the Asolo Center's board of directors. He is past chairman of the Sarasota Memorial Hospital Century Foundation and the past president of the United Way of Sarasota. He is chairman of the Out-of-Door Academy and a former board member of Florida West Coast Symphony, the Salvation Army, and the Education Foundation. He was chairman of the 1990-91 United Way Campaign and has served on the advisory boards of Sarasota Ballet and Girl's Inc. He also cochaired the 1991 French Film Festival with his wife Peggy.

In addition to his individual efforts, he has participated in and supported Peggy in her many charitable endeavors, which include, but are not limited to, the following: chair of the 1995 New College Auction, chair of the 1994 Circus Gala at Ringling Museum, chair of the 1994 Sarasota Opera's Youth Festival, chair of the 1992 Memorial Hospital Cartoon Classic, chair of the 1991 New College Library Association Mistletoe Ball, chair of the 1990 Family Counseling Center's benefit, and chair of the 1989 Orchid Ball.

Mr. President, as you can see Art has not limited his benevolence to specific organizations, instead his influence is felt across the entire Sarasota community. He has done more charitable work in 10 years than most of us could hope to do in a lifetime. The great State of Florida is a better place because of Art Wood's commitment to his community. Mr. President, I will conclude by commending the southwest Florida chapter of the American Jewish Committee, especially the committee's president Robert Rosenthal and director Harriet Abraham, for their dedication in recognizing this year's recipient of the 1996 Human Relations Award, Arthur M. Wood, Jr.●

#### A CENTURY OF NOBLE SERVICE: COMMENDATION OF THE ENFIELD VOLUNTEER FIRE DEPARTMENT ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY

● Mr. DODD. Mr. President, never has the noble spirit of voluntarism been more important than it is today. And nowhere in the Nation is the spirit of

self-reliance and gritty determination a more integral part of life than it is in New England. Voluntarism and self-reliance came together in 1896, when the citizens of Enfield, CT, formed the volunteer Enfield Fire Department, and they are alive and well in the department's service today. And so it is my pleasure to offer my commendation to the brave men and women of the Enfield Volunteer Fire Department who have served and protected Enfield for 100 years.

At a time when our society is seeking real role models for our children, we can with confidence point to our Nation's volunteer firefighters as true heroes. The gallant members of the Enfield Volunteer Fire Department, both past and present, have selflessly devoted themselves, day in and day out, to saving the lives and livelihoods of their neighbors. Without these dedicated individuals, the community of Enfield would be at a tremendous loss.

No matter what is required of them, Enfield's volunteer firefighters stand ready to help. Whether responding to an emergency, or preventing emergencies from happening in the first place, all the department's activities are executed with the highest caliber of professionalism. Indeed, the firefighters make a difference every day, conducting safety lessons in schools and throughout the community to teach kids and others about fire prevention.

Mr. President, the men and women of the Enfield Fire Department have faithfully served and protected Enfield, contributing tens of thousands of hours, for a century. Those who served yesterday, serve today, and will serve tomorrow, are truly a tribute to the State of Connecticut. I am proud of the work done by these fine citizens, and as they celebrate their centennial, wish them another hundred years of valiant duty.●

#### DRUG LEGALIZATION

● Mr. GRASSLEY. Mr. President, yesterday the New York Times ran a piece noting that the lead story in the next issue of the National Review is going to call for the legalization of drugs. The rationale for this argument is that the war on drugs has failed and that the only solution is to declare defeat and turn the asylum over to the inmates.

I am not sure just what information the folks at the National Review are using, but the facts are flawed and the argument is dumb and irresponsible.

Mr. Buckley, the author of the piece, is safe in making such arguments because he personally does not plan to use drugs. No one of his immediate acquaintance is likely to start using dangerous drugs. And I doubt that he will encourage any teenage members of his family to use drugs. So the consequences of his advocacy will not be felt personally. Instead, the burden of his ideas will be borne by countless

families whose kids—the most at-risk population—will fall victim to the consequences of drug abuse. The costs will also be borne by the public purse, as we have to treat the walking wounded.

Although there is no public support for the idea of legalization, and none in the Congress, some of our culture elite—left and right—keep raising the idea as if it had some intellectual merit. Nothing could be farther from the truth. I am therefore submitting for the RECORD a longer statement on the common mistakes made in the legalization argument that I hope will help in closing this latest chapter in foolishness.

The statement follows:

STATEMENT BY CHARLES E. GRASSLEY: DRUG LEGALIZATION

I have been increasingly concerned about the tendency in some quarters to promote the legalization of drugs in this country. If there is any idea that is essentially without merit and without public support, it is that this country should entertain seriously the notion that dangerous drugs should be legalized and made widely available. Drug legalization is truly an invitation to the Mad Hatter's Tea Party.

Unfortunately, many in the media and in our cultural elite, who have a disproportionate access to public communication and opinion outlets, have once again started to advocate some form of legalization. While this advocacy is not likely to lead to a major change in public policy, it can and does have an adverse influence on thinking about the dangers of drug. It sends a mixed message about the dangers of use that is particularly harmful when it touches our young people.

As Bill Bennett and Joe Califano noted recently, drugs are illegal because they are dangerous, they are not dangerous because they are illegal. Legalization advocates, however, deploy a variety of arguments on behalf of their position that ignore this essential fact. They all too often resort to scare tactics, misrepresent reality, or skip over inconvenient facts. I think that it is important to set the record straight.

There are a number of misconceptions about our efforts to deal with the drug problem. It is important to understand these and the common arguments used to promote them in order to arrive at a reasoned and reasonable understanding of what the drug problem is about. One of the first points to note is that our last drug epidemic—during the 1960s, 1970s, and early 1980s—was the result of arguments made by some that drugs were really not a problem and that everyone would feel better, live better, and prosper from the self-administration of dangerous drugs.

The claim, made with considerable fervor, was that drugs were liberating and that only a repressive society would prevent people from achieving their true potential. By the late 1980s, we finally came to realize just what a cruel hoax, a big lie, these claims were. We are still trying to cope with an addict population from that era, a period that has left us with a legacy of lives blasted by drug use, a cost that is borne by families and the public purse. We cannot afford to ignore this lesson, to repeat a disaster based on the enthusiasms of a few.

*Mistake #1: Prohibition doesn't can't work. Efforts to keep people from using drugs, like alcohol prohibition, only encourages the idea of forbidden fruit, increases crime, and will always fail.*

The argument that prohibition doesn't work relies on a collective amnesia about