

(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 population groups.

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