that I just mentioned as well as necessary reforms in the area of reinsurance. Specifically, this legislation would prohibit the extraterritorial application of State laws and allow ceding insurers and reinsurers to resolve disputes pursuant to contractual arbitration clauses. This reform is long overdue and necessary to restore regulatory certainty to the reinsurance market.

Finally, I would like to note that while many legislative attempts to reform the insurance industry encounter some industry opposition, this bill, Mr. Speaker, is supported by the insurers, the reinsurers and the agents and brokers as well as by most of the State regulators.

I look forward to the passage of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Kansas for his kind words.

Mr. Speaker, I rise today in support of H.R. 1056, the Nonadmitted and Reinsurance Reform Act that my colleague, Congressman DENNIS MOORE, introduced. This bill is almost identical to the bill I introduced last year and the one which he referred to that passed the House by 417–0.

For States like Florida and many others on the gulf coast where commercial insurance has been difficult or impossible to come by, the only recourse is to turn to the surplus lines or nonadmitted market. Certainly streamlining the rules in this market is crucial to the consumer and any State that is facing an insurance crisis. Unfortunately, today, the regulation of the surplus lines market is fragmented and cumbersome. Insurers and brokers who want to provide insurance across State lines are subjected to a myriad of different State tax and licensing requirements. Oftentimes these regulations will conflict, making it impossible for one company to comply with all of them.

This situation leaves policyholders underinsured and with even less of a choice in providers. Moreover, most of the companies that purchase insurance in the nonadmitted market do so frequently. These sophisticated commercial entities are large corporations that employ educated risk advisers with a thorough understanding of the market and their risk exposure. Yet in most States, including my home State of Florida, these companies are required to shop around in the admitted market where they know they will be denied coverage, they know that this has happened before and it will happen again, they know they can't get it.

They have to do this before they are permitted to shop in the surplus lines market. This practice is useless and cumbersome and it only adds to the cost for the policyholder. H.R. 1056 solves this quagmire, giving policyholders alternatives to restrictive markets.

The bill also acknowledges another program in the insurance industry, this time on the reinsurance front. Over the years, some State regulators have been taking it upon themselves to throw out arbitration agreements between reinsurance providers and primary carriers. These are contractual agreements decided upon by very sophisticated parties on both sides of the transaction in order to settle disputes without having to go to court. If these agreements are valid in one State, they should be valid in all accredited States. Therefore, H.R. 1056 prohibits States from voiding established, contractual arbitration agreements between reinsurers and primary companies.

Obtaining insurance already has its obstacles. Adding 49 other States' speed bumps of inefficient State rules does not help. And with reinsurance rates rising at crippling numbers, companies should be encouraged to stay out of the courts and follow their own arbitration agreements. Our bill provides commonsense solutions to the nonadmitted and reinsurance market and it enjoys broad support. I thank Mr. MOORE for sponsoring this important insurance reform with me.

I urge the Members of the House to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA) who is a member of the Financial Services Committee as well as chairman of the Subcommittee on Higher Education.

Mr. HINOJOSA. Mr. Speaker, I thank the Congressman from Kansas for yielding time to me. I rise in strong support of H.R. 1065, the Nonadmitted and Reinsurance Reform Act of 2007. Congressman MOORE from Kansas has been a very effective member of the Financial Services Committee and I commend him for his leadership on reinsurance legislation. I thank the gentleman for sponsoring this much-needed legislation and I am proud to be a cosponsor of this bill.

This important bill will harmonize and in some cases reduce regulation and taxation of this insurance by vesting the home State where it is headquartered with the sole authority to regulate and collect the taxes on a surplus lines transaction. Those taxes that will be collected may be distributed according to a future interstate compact. Absent such a compact, their distribution would be up to the home State.

Mr. Speaker, this legislation will implement streamlined Federal standards allowing a sophisticated commercial purchaser to access surplus lines insurance. It will reduce uncertainty in this marketplace. It will also help protect contractual agreements between sophisticated parties entering into a reinsurance contract. For these reasons and more, I encourage my colleagues on both sides of the aisle to support this important bill.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I don't have any additional speakers on this bill, but I wanted to take a moment to indicate that it is such a pleasure to work with Mr. MOORE, the gentleman from Kansas. He always looks at things in a very bipartisan manner and always with the end goal in mind of helping the consumer. I certainly appreciate that. I know that the policyholders out there do. I would certainly urge passage of this very important bill, H.R. 1056.

With that, I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I would like to return the compliment to Ms. GINNY BROWN-WAITE, the gentlewoman from Florida, and thank her very, very much for her hard work on this legislation and for her leadership. She also works in a bipartisan manner in the times I have seen her in our committee and on the House floor. I very much appreciate it. We need more of that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 1065.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BAIL BOND FAIRNESS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2286) to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2286

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 ''Bail Bond Fairness Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Historically, the sole purpose of bail in the United States was to ensure the defendant's physical presence before a court. The bail bond would be declared forfeited only when the defendant actually failed to appear as ordered. Violations of other, collateral conditions of release might cause release to be revoked, but would not cause the bond to be forfeited. This historical basis of bail bonds best served the interests of the Federal criminal justice system.

(2) Currently, however, Federal judges have merged the purposes of bail and other conditions of release. These judges now order bonds forfeited in cases in which the defendant actually appears as ordered but he fails to comply with some collateral condition of release. The judges rely on Federal Rule of Criminal Procedure 46(f) as authority to do so.

(3) Federal Rule of Criminal Procedure 46(e) has withstood repeated court challenges. In cases such as United States v. Vaccaro, 51 F.3d 189 (9th Cir. 1995), the rule has been held to authorize Federal courts specifically to order bonds forfeited for violation of collateral conditions of release and not simply for failure to appear. Moreover, the Federal courts have continued to uphold and expand the rule because they find no evidence of congressional intent to the contrary, specifically finding that the provisions of the Bail Bond Act of 1984 were not intended to supersede the rule.

(4) As a result, the underwriting of bonds for Federal defendants has become virtually impossible. Where once the bail agent was simply ensuring the defendant's physical presence, the bail agent now must guarantee the defendant's general good behavior. Insofar as the risk for the bail agent has greatly increased, the industry has been forced to adhere to strict underwriting guidelines, in most cases requiring full collateral. Consequently, the Federal criminal justice system has been deprived of any meaningful bail bond option.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore bail bonds to their historical origin as a means solely to ensure the defendant's physical presence before a court; and

(2) to grant judges the authority to declare bail bonds forfeited only where the defendant actually fails to appear physically before a court as ordered and not where the defendant violates some other collateral condition of release.

SEC. 3. FAIRNESS IN BAIL BOND FORFEITURE.

(a)(1) Section 3146(d) of title 18, United States Code, is amended by inserting at the end ''The judicial officer may not declare forfeited a bail bond for violation of a release condition set forth in clauses (i)–(xi), (xiii), or (xiv) of section 3142(c)(1)(B).''.

(2) Section 3148(a) of title 18, United States Code, is amended by inserting at the end ''Forfeiture of a bail bond executed under clause (xii) of section 3142(c)(1)(B) is not an available sanction under this section and such forfeiture may be declared only pursuant to section 3146.''.

(b) Rule 46(f)(1) of the Federal Rules of Criminal Procedure is amended by striking ''a condition of the bond is breached'' and inserting ''the defendant fails to appear physically before the court''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous matter on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the Congress, of the House here, the bail bond system in our country is under considerable pressure. Some would even say that it is broken. The reason is that Federal courts increasingly use bail bonds to ensure that a defendant appear in court but it also is used to make sure that a defendant complies with other requirements while awaiting trial.

□ 1600

As a result of a combination of these factors, there have been critical problems that have developed. When you merge the use of bail bonds, there is presented a greater risk of forfeiture, and, thereby, this has made it much more difficult, especially for those with limited means to obtain these bonds. Frequently, the amount of the bond goes up, sometimes a great deal.

Now, historically, of course, the sole purpose of a bail bond was to ensure that a defendant appears in court. When a bail bond is also used to guarantee compliance with collateral conditions of release, a court may direct the bond to be forfeited should the defendant violate any of these conditions, even if the defendant appears in court. This, of course, heightens the risk of forfeiture and makes it now virtually impossible for many persons to obtain these bonds, because the cost of the bond goes up.

Also, merging the traditional purpose of bail bonds with other conditions of release creates a perverse situation where, ironically, there are less incentives for the defendants who violate these conditions to then appear in court. As a result, thousands of defendants are failing to come to court, which increases the expense and effort by Federal law enforcement officers to secure their presence.

Also, family members and friends of the defendant, who pledge their homes, put the house up for capital, life savings or other assets, are at greater risk of losing their property as well. So, fewer family members and friends feel that they can afford to take the risk of assisting and procuring a bond.

Now, while wealthy defendants can use their own assets for collateral and gain pretrial release, those less-wealthy defendants are incarcerated before trial even when there is little or no risk of flight or threat to the public. Remanding a defendant into pretrial detention when he or she is neither a flight risk nor a danger to society also creates an undue financial burden on our Nation's prison system.

It's also highly unfair to an accused who, of course, thus far, has not been convicted yet of anything. So, hence, the Bail Bond Fairness Act.

What this measure does is attempt to address the problem by restoring the historical purpose of bail bonds; namely, that they be used solely to ensure the defendant's physical presence before a court. Under this measure, a Federal judge has the authority to declare a bail bond forfeited only under the circumstances of where the defendant actually fails to appear in court as ordered, and not simply because the defendant has violated some collateral condition of release.

So I urge my colleagues to support this bill and am very pleased to commend the leaders and members of the subcommittee on crime for helping us bring this measure forward in such an expeditious manner.

Mr. Speaker, I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2286, the Bail Bond Fairness Act of 2007. Bail bonds are rare in Federal court, and this bill will ensure that bail bondsmen and defendants are treated fairly.

This legislation amends the Federal code to prohibit a judicial officer from forfeiting a bail bond when a defendant violates a performance condition other than failing to appear in court. On balance, I think it is unfair to hold bail bondsmen accountable for compliance with performance conditions such as drug testing, curfews and other non-appearance-related conditions.

A bail bondsman should be held accountable for ensuring the defendant appears at all court dates. It is hard to justify authorizing a court to forfeit a bond for performance conditions that a bail bondsman cannot enforce.

I want to acknowledge the commitment of my colleagues, Congressman WEXLER and Congressman KELLER, who sponsored this bill and have demonstrated leadership on this issue. For these reasons, I support the bill and urge my colleagues to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. I commend the ranking member, Mr. FORBES, for his good work on this measure.

Mr. Speaker, I yield as much time as he may consume to the subcommittee chairman on crime, another gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in support of H.R. 2286, the Bail Bond Fairness Act of 2007. The legislation was introduced by Representative WEXLER and Representative KELLER on May 10 of this year and largely mirrors several other bipartisan bills introduced in the last three Congresses.

Historically, bail has been issued for the sole purpose of ensuring a defendant's appearance in court as ordered. In recent years, however, Federal judges have ordered bail bonds forfeited even when the defendants, in fact, appear in court, but they have violated collateral conditions of pretrial release.

Although actual bail forfeitures of bonds for violating collateral conditions are rare, and one of the reasons is that bail bonds, in fact, are rare, one reason cited is that some Federal judges now allow defendants to deposit their own funds in amounts that would be equal to the premium of a commercial bond underwriter, making the commercial bond unnecessary. Even so, the practice of attaching ancillary conditions to the issuance of a bond has created a barrier to pretrial release, because the risk of bond forfeiture has forced many commercial bond underwriters to avoid the Federal system altogether.

We find that commercial bond underwriters will opt to offer their services to defendants in the State system where a risk of loss is lower because they only have to be concerned about the defendant's appearance, not his behavior, or where they also maintain that friends and family of defendants are reluctant to post a bond for defendants because they cannot risk their homes or life savings based on a person's behavior. They may be able to risk it assuming he will show up in court.

H.R. 2286 would return the use of bail bonds to the historic purpose of limiting a judge's authority to order a bond forfeited to a defendant's failure to appear physically in court. It is important to note that the bill does preserve a judge's authority to impose conditions of release and to revoke the pretrial release and order pretrial custody, should a defendant violate any conditions of pretrial release. But so long as a defendant actually appears in court, the bond should not be revoked.

I strongly urge my colleagues to support the bill.

Mr. FORBES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you have heard from the other speakers here today about the fairness of this measure, and it certainly is a measure of fairness, how we treat bail bondsmen. And also as the chairman has pointed out, this is a matter of fairness of how we treat individuals who need bond, which they may not otherwise may have.

Even though this is a measure that is very fair, even fair measures don't make it into law without the hard work of individuals. That's why I want to compliment Congressman WEXLER on the good job that he has done. Congressman KELLER, who wanted to be here today to speak on this bill, has worked very hard and tirelessly for it in the committee. Unfortunately, his flight has been delayed, and he won't be here today. But I know if he were here, he would speak on the record here as he has spoken in the committee on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to one of the authors of this measure, the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I first and foremost want to thank Chairman CONYERS for his cooperation and great support for H.R. 2286. I also want to thank Ranking Member LAMAR SMITH for working in such a bipartisan fashion.

I especially want to thank Congressman KELLER, Mr. FORBES mentioned just a moment ago. Mr. KELLER and I have worked hand in hand in pushing the Bail Bond Fairness Act, and I know very much that he wished to be here to speak this evening.

I also want to thank Mr. FORBES for his very kind words and his cooperation as well, as well as the subcommittee chairman, Mr. SCOTT of Virginia.

Mr. Speaker, the Bail Bond Fairness Act will ensure equality and fairness for all Federal defendants and will make it possible for bail agents to once again write bonds in Federal courts. This bill addresses a serious problem in the Federal bail bond system, created by requirements that bail agents not only ensure the appearance of defendants in court, but also guarantee other conditions beyond the agent's control, such as alcohol consumption and curfews.

As a result, bail bond agents have stopped writing bonds in Federal cases, and lower-income defendants have become unable to post bail while wealthier individuals do so easily. The result is that poor defendants can't afford bail and must, therefore, stay in jail at taxpayer expense.

H.R. 2286 would remedy these problems and allow professional bail agents to return to the Federal court system. The bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered.

This legislation reaffirms the original purpose of a bail bond, to guarantee the defendant appears in court. Bail agents must be allowed to serve this purpose and cannot be expected to serve as full-time nannies for defendants whom judges determine are safe to be released.

It is important to note that the Bail Bond Fairness Act totally preserves the authority of the judge to grant or refuse bail. The judge, and the judge only, will continue to make a determination on flight risk and any possible threat to the community.

Judges will still have the discretion to determine who is eligible and who is not for pretrial release, what conditions accompany that release, and whether or not a suspected criminal is a flight risk. We all agree that if a suspected criminal is a threat to the society, to the community, he or she should stay in jail.

The bottom line is that bail bonds should guarantee appearance in court. Any other appropriate conditions set by the judge, such as alcohol or drug consumption, should not be tied to the bond.

This bill enjoys a great deal of bipartisan support, and I again want to thank Congressman KELLER, my colleague from Florida, as one of the prime sponsors and again thank Chairman CONYERS.

Mr. FORBES. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask my colleagues to support the bill.

Mr. Speaker, H.R. 2286 restores the use of bail bonds to the traditional purpose of ensuring that a defendant appears in court as directed. It removes the risk that a defendant's family and friends will forfeit their homes, savings, or other assets even though the defendant appears, just because of failure to comply with some unrelated collateral condition. And perhaps most importantly, it will increase the appropriate availability of bail bonds to all, not just the wealthy. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2286, the "Bail Bond Fairness Act of 2007." I urge my colleagues to join me in voting to report this legislation favorably to the House. I am confident that working together we can address and resolve the real challenges regarding bail bond practices in the Federal judiciary.

H.R. 2286 reforms the current practice of placing performance-based pretrial release conditions on bail bonds. This practice apparently has had the unintended consequence of prompting some commercial bond underwriters to avoid the Federal system and placing a heavy risk on family and friends of defendants who would collateralize property to satisfy a bond. As a result, many defendants are being incarcerated pending disposition of their criminal cases who would otherwise not be confined.

H.R. 2286 restores bail bonds to their historic purpose by prohibiting the forfeiture of a bail bond in all situations except for a defendant's failure to appear. It does this by amending Rule 46(f)(1) of the Federal Rules of Criminal Procedure by striking "a condition of the bond is breached" and inserting "the defendant fails to appear physically before the court." The bill, however, preserves a judge's ability to revoke a defendant's bail status and order pretrial detention should a defendant violate any condition of pretrial release.

Mr. Speaker, to better understand the problems in the Federal bail bond system and to evaluate the efficacy of the H.R. 2286, this subcommittee held a legislative hearing at which we heard from an impressive panel of witnesses, which included: The Hon. ROBERT WEXLER, Congressman, Florida 19th District; the Hon. RIC KELLER, Congressman, Florida 8th District; Ms. Linda Braswell, MCBA, Braswell Surety Services, Inc., Stuart, Florida; and Hon. Tommy E. Miller, Magistrate, United States District Court, Eastern Virginia.

Mr. Speaker, it is important for us to remember that the right to bail is guaranteed by the Eighth Amendment to the U.S. Constitution. Historically, the sole purpose of affording bail to a defendant is to ensure the defendant's appearance in court. In recent years, however, Federal judges have taken to merging the purposes of bail with other conditions of release and in many cases have been ordering bonds forfeited even in cases in which the defendant actually appears in court as ordered. The bail is ordered forfeited by the court upon a determination by the court that the defendant failed to comply with some collateral condition of release.

In support of these forfeiture determinations judges rely on Federal Rule of Criminal Procedure 46(f) as authority. For example, if the defendant uses illegal drugs, fails to maintain a job, travels beyond a certain area, the defendant's bail may be revoked, and the defendant returned to jail and the bond forfeited.

Federal Rule of Criminal Procedure 46(f) has been upheld by the courts against challenge. For example, in *United States* v. *Vaccaro*, 51 F.3d 189 (9th Cir. 1995), the court held that the rule 46(f) authorized bond forfeiture for violation of collateral conditions of release and not simply for failure to appear. Moreover, courts have cited congressional failure to act to change this ruling as ratification that it is correct.

Mr. Speaker, the consequences of forfeiting bond as a method of monitoring a defendant's performance rather than for its historically narrowly tailored purpose are several. First, because bond writers are forced to consider the defendant's performance and behavior while on pretrial release, the risk to bond agents has increased dramatically, forcing them to adhere to strict underwriting guidelines. The strict guidelines adversely and disproportionately affect poor and disadvantaged defendants by exacerbating the difficulty in obtaining pretrial release. This means, of course, that only defendants with significant assets are afforded the benefits of pretrial release. Poor defendants are therefore incarcerated before conviction, even those who pose no significant risk of flight and no threat to the public.

Second, family members of the defendant or anyone willing to raise collateral to help procure a bail bond for a loved one are also put at undue risk. This is because a person who puts up his or her home or other assets as collateral may nevertheless lose their property even if the defendant attends court appearances and is not a threat to the community. Thus, fewer friends and family are willing to assist in procuring a bond and those who do may unjustly lose their assets.

Mr. Speaker, a third unintended consequence of this practice of bail forfeiture for collateral pre-trial release violations places an undue financial burden and physical strain on the prison system. Last, revoking a defendant's bond for performance issue such as unemployment reduces considerably a defendant's incentive to make court appearances. Consequently, bond revocation for a performance matter has created a flight risk of a defendant who otherwise may not have been.

In short, placing performance-based conditions on a bail bond strays from the historic purpose of a bail bond, which is to ensure the appearance of a defendant before the court as ordered. The avowed intent of H.R. 2286, sponsored by Congressman WEXLER, is to restore bail bonds to their historic purpose by prohibiting the forfeiture of a bail bond in all situations except for a defendant's failure to appear.

It does this by amending Rule 46(f)(1) of the Federal Rules of Criminal Procedure by striking "a condition of the bond is breached" and inserting "the defendant fails to appear physically before the court." The bill, however, preserves a judge's ability to revoke a defendant's bail status and order pretrial detention should a defendant violate any condition of pretrial release.

Mr. Speaker, I urge all members to support this much needed and thoughtful legislation.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 2286.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1615

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 366) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 366

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

SECTION 1. DESIGNATION OF ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, shall after the date of the enactment of this Act be known and designated as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Ernest Childers Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HARE) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. HARE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States.

It is an honor and a privilege for me to stand here before you today to talk about one such individual. His name was Ernest Childers.

Ernest Childers was the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, when he charged German machine gun nests against machine gun fire.

Although suffering a broken foot in the assault, Childers ordered covering fire, advanced up a hill, single-handedly killing two snipers, silencing two machine gun nests, and capturing an enemy mortar observer.

His courageous action helped American troops win the battle and save the lives of countless American soldiers. Childers was also awarded the Purple Heart and the Bronze Star for his actions.

H.R. 366 would name the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic."

Until his death on March 17, 2005, Childers was Oklahoma's last Congressional Medal of Honor recipient still living in the State. It is only fitting that we remember such a courageous soldier by naming a veterans outpatient clinic in his honor.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I certainly thank you and Chairman FILNER for bringing these four suspensions to the floor today. These bills pay tribute to the extraordinary valor and fidelity displayed under fire by three soldiers and one Marine by naming VA facilities in their honor.

In earning the Medal of Honor, Charles George, Ernest Childers, Oscar Johnson and Raymond Murphy were bestowed this Nation's highest award for valor in combat. Generally presented to its recipients by the President of the United States of America in the name of Congress, the medal is often called the Congressional Medal of Honor.

At a time when corrosive influences in our society concern many Americans, the intrepid self-sacrifice of these men, two of whom were Native Americans, endures untarnished. It is, therefore, entirely fitting that we name, in their honor, four Department of Veterans Affairs facilities that represent the fulfillment of this Nation's obligation to those who serve us and who, through their sacrifices, ensure our continued liberties.

The bill before us today, H.R. 366, was introduced by Congressman JOHN SULLIVAN, and would honor Ernest Childers, a Native American and Army veteran who was awarded the Medal of Honor for his valor in combat in Italy during World War II. I appreciate the initiative and hard work of my colleague from Oklahoma that he took in bringing this bill to the House.

A Native American of the Creek Nation from Oklahoma, Ernest Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Indian school in North Central Oklahoma. Childers deployed from Fort Sill, Oklahoma to Africa to fight the Axis in World War II.

Second Lieutenant Childers, a member of the 45th Infantry Division, was cited for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty in action September 22, 1943 at Oliveto, Italy. Having already suffered a broken foot, he single-handedly captured enemy gun positions after ordering his eight troops to cover him with fire. Displaying exceptional leadership, initiative, calmness under fire and conspicuous gallantry, Lieutenant Childers served as an inspiration to his men.

Mr. Speaker, I ask that the complete text of Lieutenant Childers' citation award be included in the RECORD.

The President of the United States in the name of the Congress takes pleasures in presenting the Medal of Honor to Ernest Childers.

Rank and organization: Second Lieutenant, U.S. Army, 45th Infantry Division. Place and date: At Oliveto, Italy, 22 September