

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

1943. Entered service at: Tulsa, Okla. Birth: Broken Arrow, Okla. G.O. No.: 30, 8 April 1944.

Citation: For conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty in action on 22 September 1943, at Oliveto, Italy. Although 2d Lt. Childers previously had just suffered a fractured instep he, with 8 enlisted men, advanced up a hill toward enemy machinegun nests. The group advanced to a rock wall overlooking a cornfield and 2d Lt. Childers ordered a base of fire laid across the field so that he could advance. When he was fired upon by 2 enemy snipers from a nearby house he killed both of them. He moved behind the machinegun nests and killed all occupants of the nearer one. He continued toward the second one and threw rocks into it. When the 2 occupants of the nest raised up, he shot 1. The other was killed by 1 of the 8 enlisted men. 2d Lt. Childers continued his advance toward a house farther up the hill, and single-handed, captured an enemy mortar observer. The exceptional leadership, initiative, calmness under fire, and conspicuous gallantry displayed by 2d Lt. Childers were an inspiration to his men.

Mr. Speaker, Ernest Childers continued to serve his Nation after the war. He taught jungle training in Panama, and winter training in Alaska before retiring in 1965 as a Lieutenant Colonel. A brief stint with the Job Corps program in Washington ended after he suffered a heart attack. Upon returning to Oklahoma, he spoke with students about the emotional cost of war.

Most recently, Lieutenant Colonel Childers wrote an inspirational message to the Nation against racism to discourage attacks against Arab Americans after our Nation was attacked on September 11, 2001. Childers wrote, "Even though, as a Native American, I have darker skin than some Americans, that doesn't mean I'm any less patriotic. Even during those times in our history when Native Americans were persecuted and discriminated against, we still volunteered for military service."

He said, "Remember, Native Americans didn't even receive the vote until World War I, yet we served in military action because, when all is said and done, we are loyal and patriotic Americans."

Ernest Childers died on March 17, 2005. His legacy of valor and courage for future generations of American lives on and it is supremely appropriate that we recognize his legacy by naming this VA facility after him.

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

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I wish to yield as much time as he may consume to the gentleman from Oklahoma (Mr. SULLIVAN), who sponsored this bill.

Mr. SULLIVAN. Mr. Speaker, I rise today in strong support of my bill, H.R. 366, which will designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, the Ernest Childers VA Outpatient Clinic to honor one of our Nation's finest military heroes.

Ernest Childers holds the distinction of being the first Native American to receive the Congressional Medal of Honor for his heroic action in 1943 at the battle of Oliveto, Italy, where he charged the German machine gun nest against machine gun fire. Although suffering a broken foot in the assault, Childers ordered covering fire and advanced up the 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 saved the lives of American soldiers. Childers was also awarded the Purple Heart and Bronze Star for his actions.

Born in Broken Arrow, Oklahoma, Childers enlisted in the Oklahoma National Guard in 1937 to earn extra money while attending the Chilocco Indian School in north central Oklahoma. While stationed at Fort Sill in Oklahoma, he was deployed to Africa to fight in World War II.

Childers retired from the Army in 1965 as a Lieutenant Colonel, but remained very active in the Tulsa community, serving Indian youth which led to the naming of the middle school in Broken Arrow, Oklahoma in his honor.

As a proud Creek Indian, in 1966, Childers was honored by the Tulsa Chapter of the Council of American Indians as "Oklahoma's Most Outstanding Indian."

Of his military service in World War II, Childers once said, "This American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back." A fitting quote from a man who exemplified courage under fire and dedication to defending our Nation.

Until his death on March 17, 2005, Childers was one of Oklahoma's last Congressional Medal of Honor recipients still living in the State.

I ask my colleagues to join me in supporting this legislation to honor his life and legacy. We were honored to have him grace us with his model character, defend us with his bravery, and leave us all a life well lived.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no additional Members who have requested time, but I just would encourage a positive vote on this bill for, obviously, someone who loved our country very, very much, and would encourage Members to support this resolution.

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

GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 366.

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

There was no objection.

Mr. HARE. Mr. Speaker, I strongly urge my colleagues to unanimously support H.R. 366.

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 Illinois (Mr. HARE) that the House suspend the rules and pass the bill, H.R. 366.

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.

CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. HARE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2546

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

SECTION 1. DESIGNATION OF CHARLES GEORGE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center located at 1100 Tunnel Road, Asheville, North Carolina, shall after the date of the enactment of this Act be known and designated as the "Charles George Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Charles George Department of Veterans Affairs Medical Center.

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.

In its history, the Medal of Honor has been awarded only 3,463 times. 3,458 of those were awarded for separate acts of heroism. I'm here today to tell you about one such act and the extraordinary individual who performed it. I am truly in awe of his courage and selflessness.

His name was Charles George. He was a Private First Class in the United States Army. PFC George distinguished himself by going above and beyond the call of duty in action against the enemy on the night of November 30, 1952.

He was a member of a raiding party committed to engage the enemy and capture a prisoner for interrogation. Subject to intense mortar and machine gun fire, and suffering several casualties throughout the advance, he fought