planning stages of the Operation Iraqi Freedom in 2002.

On behalf of New York's first congressional district and indeed a grateful nation, I thank Lt. Col. James Finkle for his service, congratulate him for a distinguished career, and wish him good health, continued success and a happy retirement with his wife Louise and their children, Amanda and Eugene.

REGARDING SUPPORT OF SUBSIDIZED GUARDIANSHIP

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take the opportunity to express my enthusiastic support of subsidized guardianship. I understand that many times grandparents or other relatives become the primary caregivers to children who are not able to live with their parents. This can become a significant financial challenge and we must offer these families more resources. In my home state of Rhode Island, 4,176 grandparents were financially responsible for meeting their grandchild's basic needs in 2003. Subsidized guardianship programs, which are increasingly used by states around the country—including Rhode Island—allow children living safely with relatives to exit formal foster care and achieve legal permanence. That is why I am proud to be a cosponsor of H.R. 3380, The Guardianship Assistance Promotion and Kinship Support Act, which would allow the use of federal funding to support subsidized guardianship programs.

Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our nation's most valuable asset, our children.

HONORING THE CLASS ACT GROUP OF MILITARY RETIREES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, today is the 64th anniversary of the bombing of Pearl Harbor, the infamous day in 1941 that led us into World War II. It is appropriate that I rise today to honor the military retirees' grassroots organization known as the Class Act Group. After nearly ten years of citizen advocacy, urging Congress to fully restore their promised military health care benefits, this noble group of warriors has decided to call it a day and close its offices.

CAG's roots date back to July 16, 1996, when attorney George E. Day filed a law suit in Federal Court in Pensacola, Florida on behalf of retired Air Force Colonels William O. Schism and Robert Reinlie. The suit alleged breach of contract with military retirees over the age of 65 years by the failure of the U.S. to provide the military medical care it had promised.

But George Day is not just any lawyer. Col. George ''Bud'' Day (Retired) is a veteran of more than 30 years service in the Armed Forces of the United States. He joined the Marine Corps in 1942 and served 30 months in the South Pacific as a noncommissioned officer. He received an appointment as a Second Lieutenant in the National Guard in 1950. He was called to active duty in the Air Force in 1951. He served two tours in the Far East as a fighter-bomber pilot during the Korean War.

In April 1967, Colonel Day was assigned to the 31st Tac Fighter Wing at Tuy Hoa Air Base, Republic of Vietnam. Shot down over North Vietnam on August 26, 1967, he spent 67 months as a Prisoner of War. Colonel Day was the only POW to escape from prison in North Vietnam and then to be recaptured by the Viet Cong in the South. He is also credited with living through the first ''no chute'' bailout from a burning jet fighter in England in 1955.

Colonel Day holds every significant combat award. He is the nation's most highly decorated officer since General Douglass MacArthur. He holds nearly seventy military decorations and awards of which more than fifty are for combat. Most notable are the Medal of Honor, the Air Force Cross, the Distinguished Service Medal, the Silver Star, the Legion of Merit, the Distinguished Flying Cross, the Air Medal with nine Oak Leaf Clusters, the Bronze Star for Valor with two Oak Leaf Clusters, the Bronze Star, the Purple Heart with three Clusters and the POW ribbon. He wears twelve Campaign Battle Stars.

So, Mr. Speaker, Col. Day's long, distinguished record shows that he was a fighter in the field defending his comrades and country and, I can attest, he has been just as determined a fighter in the courtroom, too. He recruited his own army of grassroots soldiers who, in town meetings and over the Internet, gathered together to exercise their constitutional freedoms to fight for their rights, just as Thomas Jefferson, John Adams, Benjamin Franklin and all the Founding Fathers imagined they would.

The CAG suit filed in 1996 was based on the fact that agents of the Federal Government—including military recruiters, active duty members of the uniformed services, and other government officials—routinely promised that the government would provide lifetime health care to military retirees and their dependents if they served a career of at least 20 years in uniformed service.

The promise of lifetime care was made and fulfilled for generations, but until 1956 Congress had never passed a statute that specified what level of care would be provided. On December 7, 1956 a new law took effect with a provision that provided for health care at military facilities on a ''space available'' basis. This new law had the practical effect of defining and limiting the Federal Government's commitment to military retiree health care, by conditioning such care on space availability.

In other words, after 1956, health care that had been promised and routinely delivered for years was no longer assured. As military bases began to close and downsize, the availability of health care became more and more limited. Subsequent laws completely removed Medicare-eligible military retirees from the military health care system.

The 1956 law ''changed the rules in the middle of the game'' for military retirees who entered the service prior to December 7, 1956. When they agreed to enter the service, they had promises—a verbal contract—of lifetime health care that routinely were fulfilled. When they left the service 20 or more years later, they lived under a new set of rules. In short, the health care rug was pulled out from under them.

On November 18, 2002, a Federal Appeals Court ruled that only Congress can authorize the level of health care the government will provide to military retirees; therefore, promises made by military recruiters or government officials were not binding. On June 2, 2003, the Supreme Court declined to consider Col. Day's appeal of the ruling, putting an end to the law suit.

Although the Appeals Court did not rule in favor of the plaintiffs, the language of the Court ruling was very clear that the plaintiffs had won a moral victory:

> Accordingly, we must affirm the district court's judgment and can do no more than hope Congress will make good on the promises recruiters made in good faith to plaintiffs and others of the World War II and Korean War era—from 1941 to 1956, when Congress enacted its first health care insurance act for military members, excluding older retirees. . . .
>
> We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. Again, however, because no authority existed to make such promises in the first place, and because Congress has never ratified or acquiesced to this promise, we have no alternative but to uphold the judgment against the retirees' breach-of-contract claim. . . .
>
> Perhaps Congress will consider using its legal power to address the moral claims raised by Schism and Reinlie on their own behalf, and indirectly for other affected retirees.

Mr. Speaker, CAG and the nationwide grassroots group did in fact win a substantial legislative victory. In 2000, Congress responded to an intense national grassroots campaign waged by military retirees by enacting Tricare for Life (TFL), which provides health care to Medicare-eligible military retirees (generally age 65 or older). TFL did not go all the way to fulfill the government's promise of lifetime health care for our Nation's warriors, but it was a substantial step forward in that effort.

The military retirees grassroots group also actively encouraged Congress to address the unfulfilled health care needs of many younger military retirees who find they are not well served by the military health care system known as Tricare Standard, a plan for retirees who do not live near military bases that could otherwise provide their promised military health care.

Mr. Speaker, the men and women at the core of the Class Act Group have grown old serving their country. They were heroes in World War II, Korea and Vietnam. And they were heroes in the courtroom and in the halls of government fighting for their rights.

They have fought the good fight, but as good soldiers they know when it is time to regroup. Even with the advent of TFL these grassroots warriors kept fighting for full restoration of their promised health care. But they know that budget battles in Congress have gotten tougher, that new generations of