

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

wounded veterans coming home from Iraq and Afghanistan are fighting for even basic health care, let alone health care in their distant golden years.

And there are other battles that need to be fought by these old warriors. Floyd Sears, one of the hardest fighters on the grassroots battlefield, the leader of the Internet campaign for the restoration of military retiree health care, saw his home in Biloxi, Mississippi, destroyed by hurricane Katrina. He is living in an RV powered by a generator as he oversees the rebuilding of his house. Jim Whittington, Floyd's best friend and comrade, lost electricity in his Laurel, Mississippi, home for almost a month. He is rebuilding his Internet business. Col. Day is over 80 years old now and is ready to move on and support our new generation of veterans.

Yes, Mr. Speaker, the grassroots warriors have fought the good fight. As the Class Act Group closes its doors, we should honor them and thank them for all they have done for our country. They will always be heroes to me.

IN RECOGNITION OF THE BROWN COUNTY HOME BUILDERS ASSOCIATION'S 50TH ANNIVERSARY

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the Brown County Home Builders Association as they celebrate their 50th anniversary.

As we all know, home ownership in this country has had quite a run over the last few years, with more Americans than ever before settling into their very own homes. Last year alone, 1.18 million families purchased single-family homes—a new record. This has had a direct impact on our economy at all levels, boosting revenues, attracting new business, and spurring community revitalization.

The Brown County Home Builders have made the dream of homeownership a reality for thousands of families in northeastern Wisconsin. For the last 50 years they have helped create safe and affordable housing opportunities for Brown County residents, raising the quality of life in communities throughout my district. Despite its humble beginnings, this great organization has grown from a mere 18 members to over 1,100, and it shows no signs of slowing down.

Mr. Speaker, it is my honor to recognize the Brown County Home Builders Association on this wonderful occasion. Fifty years is an outstanding accomplishment, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I say congratulations.

TRIBUTE TO MR. JOSEPH STACHON

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Mr. LIPINSKI. Mr. Speaker, it is my privilege, as a U.S. Representative, to acknowledge my constituent, Mr. Joseph Stachon, on

his retirement from the Chicago Police Department, after serving a loyal career of 30 years with the force.

Not only a dutiful police officer, Joe Stachon has been a loving husband to his wife Barbara, and a loving father to his three children, Joseph, Julie and Jon, and most recently a new title of grandfather—one he will cherish the most, I am sure.

Joseph Stachon has lived his adult life dedicated to protecting his Nation, his city and his fellow veterans proudly. Joe served in the United States Army from 1968 to 1969 in the turbulent Vietnam war and earned the distinguished Bronze Star and Purple Heart medals for his courage and valor. After the war, he then started at the Chicago Police Department, working 12 years in the 12th, 2nd and 14th districts of Chicago. It was that experience and endless training that earned Joe his last 18 years with the forensic division of the Chicago Police Department.

His contribution to his fellow man doesn't stop there. Joe joined Johnson-Phelps VFW Post No. 5220 in Oak Lawn and, when asked, served five times as their post commander. His dedication to his fellow veterans continued as he served as the Third District commander and was a member of the VFW's State of Illinois Ways and Means Committee.

It is fitting this evening that Joseph Stachon be remembered as a loyal brother in the Chicago Police Department, a compassionate comrade to his fellow veterans and last but not least, a devoted husband and father to his wife and family. Joe, you have continually shared your time with many, have accomplished your life's achievements; it is time now to sit back and enjoy these memories with your family.

It gives me great pleasure to acknowledge the lifetime achievements of Mr. Joseph Stachon. I ask that my colleagues join with me in honoring this fine individual on his great service to our Nation and his community and wish Joseph great things as he celebrates the commencement of a new chapter in his life.

THE TERRORISM RISK INSURANCE ACT

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Mr. GUTIERREZ. Mr. Speaker, I am very pleased that we are finally considering this crucial Terrorism Risk Insurance Act (TRIA) extension, which will provide necessary stability for our Nation's economy in a post 9/11 world. I have strongly supported this legislation from the outset, and I congratulate Chairman OXLEY and Ranking Member FRANK for their hard work to bring it to the floor. I urge my colleagues to vote in favor of this important bill.

A stable, secure insurance market is vital to the health of our national economy. More than 4 years ago, the stability of the insurance industry, and all of our Nation's policyholders, were put in jeopardy when insurers and reinsurers lost more than \$30 billion as a result of the 9/11 attacks. After these substantial losses, insurers were unable to make terrorism insurance available, which left many of our Nation's businesses vulnerable to unacceptable risk.

In response, Congress overwhelmingly passed TRIA to provide a temporary, limited Federal backstop in the event of another catastrophic terrorist attack. While we still expect the insurance industry to eventually develop methods for making terrorism insurance available without government support, the market has not yet stabilized to the point where this is possible. Extension of TRIA, which is necessary to prevent the chill of development in our cities, has wide, bipartisan support, and should be enacted promptly.

IN HONOR OF JOHN CASTELLANO,  
AN AMERICAN SOLDIER

**HON. DANA ROHRABACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 7, 2005*

Mr. ROHRABACHER. Mr. Speaker, I rise today to speak on behalf of a valiant American soldier who, through no fault of his own, never became an American citizen. 1st Sgt. John Castellano of New York State and California was worthy of becoming an American citizen. I would like to tell you his story.

John Castellano was a native of Sorrento, Italy. He joined the United States Army in 1911. He served with the U.S. armed forces for more than 25 years with honor and distinction. For example, Sgt. Castellano served admirably in World War I and the Pacific Theater of Operations. For his valiant service, he was awarded numerous medals and ribbons, including the "West Indies Campaign" ribbon, the VFW medal, and an award for bravely rescuing a man from drowning on July 21, 1921.

Sgt. Castellano believed that he was a naturalized U.S. citizen by dint of his service to the United States. Unfortunately, through circumstances unknown to us today, he was required but failed to fill out the necessary documents to become a U.S. citizen. As a result, he did not become the American citizen that he always believed he would become. Today, we have members of the Armed Services who assist foreign members of our armed forces to become U.S. citizens. According to recent newspaper articles, foreign soldiers serving with coalition forces in Iraq can become U.S. citizens in less than six months. And it is right to honor those who fight and risk their lives for this great country. Unfortunately, no one was able to assist Sgt. John Castellano, an Italian immigrant, to become a naturalized U.S. citizen so many years ago.

His family lives in my district. Members of the Castellano family learned of this tragedy only in recent years although John Castellano died in 1937. Since they learned of these circumstances, the family has been trying for several years to obtain posthumous citizenship for John. Unfortunately, the law does not allow John to become a U.S. citizen at this late date. Therefore, I am honoring Sergeant Castellano's service to the United States, and want to state for the CONGRESSIONAL RECORD that his service and heartfelt love for this country is commendable and makes him worthy of citizenship.