

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent to be recognized for up to 10 minutes as in morning business.

The Acting PRESIDENT pro tempore. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

Mr. INHOFE. Mr. President, I rise today to pay tribute to three of Oklahoma's finest heroes.

SGT Daniel Eshbaugh, of Norman, OK.

CWO Brady Rudolf, of Oklahoma City, OK.

And CPL Michael Thompson, of Harrah, OK.

They were among the soldiers who were killed on September 17, 2008 in Tallil, Iraq, when their CH-47 Chinook helicopter crashed while en route from Kuwait to Balad Air Base north of Baghdad.

SGT Eshbaugh, CWO Rudolf and CPL Thompson were members of Detachment 1, Company B, 2nd Battalion, 149th Aviation, from Lexington, OK.

The unit, which is made up of approximately 200 Texas and Oklahoma Guard members, was mobilized in June and left for duty in Iraq in late August.

All three were on their second tour in Iraq.

## SGT DANIEL ESHBAUGH

SGT Dan Eshbaugh served as a flight engineer in the 149th.

He enlisted in the Air Force in 1982 and served for 10 years.

Dan joined the Oklahoma Army National Guard in 1998 and served until 2000.

In 2002, he reenlisted in the Oklahoma Army National Guard and was mobilized in 2008.

Dan's first deployment was in 2003 in support of Operation Iraqi Freedom, spending 4 months in theater.

Dan leaves behind his wife Rachel and their two sons, Bryan and Jordan.

He is also survived by his two daughters, Jessica and Ashley, and his mother, Bernadine.

Yesterday I talked with Dan's wife Rachel and she talked about Dan's love for the Army, that it was his "whole life".

In addition to his deep love and commitment to our country, he also loved to hunt and loved sports.

I read through some of the comments written on Dan's on-line guest books.

Many people wrote about Dan's sense of humor, his ability to tell good stories, and his love for his family.

It was obvious that Dan enjoyed spending time with his entire family together, at reunions, over meals, and watching sports.

I want to share excerpts from a few.

Danny . . . My Big Brother . . . Thank you for trying to make peace in this insane world, so that our children can have a safe place to someday raise their children. Ian and Arden will always remember their Uncle Danny. I find comfort in knowing that your spirit is together with Grandpa and Dad. I know they have embraced you. The strength of three generations of Eshbaugh's looking over us will be the strength that we all hold in our hearts. I will love you forever . . . your little sister Kimberlee."

There are so many memories I have to cherish of my cousin "Danny". He was so much fun to see when our families would get together on visits to Grandma and Grandpa's house when we were young. . . . I will cherish these and all the memories that I have. I am so proud to be your cousin.

We are proud of Dan's dedication and loyalty to protecting this country. God grant us the wisdom to be worthy of his ultimate sacrifice. Dan, may you, my brother Dan and my Dad find your "mansion" up there overlooking a fully stocked lake in that happy hunting ground."

And from Dan's friends and the soldiers he served with the entire family, nieces, nephews, and cousins, they all said that Dan, or "Danny" as his family called him, was an inspiration for all to follow and had a positive impact on all who met him.

## CHIEF WARRANT OFFICER BRADY RUDOLF

CWO Brady Rudolf served as a CH-47 "Chinook" pilot in the 149th and had been in the National Guard for over 20 years.

Brady was also a pharmacist when not on duty.

In 2003, he deployed to Iraq in support of Operation Iraqi Freedom and spent 4 months in theater.

Brady is survived by his wife of 13 years, Jennifer, and their three sons Braden, Ty, and Nate.

Brady is also survived by his mother Nathalia and brother Dustin.

Last night, I spoke to Jennifer, Brady's wife, and we talked about Brady's love of flying, something, as a pilot myself, I can fully understand.

Jennifer also talked about his strong faith and commitment to Jesus.

Dustin Rudolf, Brady's brother, said Brady was a dedicated father, husband and soldier who comes from a long line of servicemen in the Rudolf family.

"He was a great father, a great husband and just an all-around great human being. The sacrifice he gave for our freedom and what we live for here in America is an awesome thing and he knew it and he lived it."

Dustin also said that his brother was voted class clown by his graduating class.

"He was a jokester but he could be serious too when it mattered," Dustin said.

"He was a conscientious pilot who liked to take care of people. He would give the shirt off his back for anyone."

The following is from Brady's online journal:

One of his co-workers from the pharmacy wrote,

I worked with Brady for several years at the Pharmacy in Newcastle. Of the many things I could say about him, these seem the most important: He spoke with deep adoration and love for his family and his faith in the Lord. He was always proud of the smallest accomplishments and milestones his boys achieved. . . . Thank you for allowing me to share in a small part of his life. Because of Brady's love and faith in the Lord, I was able to find my way back to my faith. Thank you, Brady, for your service to our beloved country.

From a fellow classmate in pharmacy school:

We were in pharmacy school with Brady. He was an excellent man of values and had a great love for his family. Brady was an encouragement to be around.

And finally a friend wrote:

I remember Brady as a blonde-headed, bright eyed, fun-loving All-American boy. His smile would light the room. It is apparent that he grew up to be a man of such good character—an All-American Hero! . . . May Brady's legacy of service to others be carried on by each of us. Your family is in my thoughts and prayers.

## CPL MICHAEL THOMPSON

CPL Michael Thompson served as a door gunner in the 149th.

Michael graduated Kingston High School in 2003 and then enlisted in the Army in 2004.

He left active-duty service and joined the Oklahoma Army National Guard in 2007.

Michael previously deployed to Iraq in 2005 and spent 11 months in theater.

Michael is survived by his father Kory Thompson of Harrah, OK, his mother Angela Perry, his stepfather Richard Perry, and sister Jami.

Michael also leaves behind his fiancée, KC Colvin.

When I talked with Michael's mom Angela last night, she spoke about how her son's love for people and how he was loved by everyone.

He never met a stranger he did not like and who did not like him; even the mailman loved Mikey, Mikey was the name he is affectionately known by his many friends and family.

Mikey was full of personality and he loved to hunt and fish.

Family members said that he volunteered to go to Iraq because the Army needed a qualified open-door machine gunner.

"He was qualified for machine guns from his active duty in the military before this," said Richard Perry, Michael's stepfather. "He volunteered to go to help out."

CPT Travis Ward, an Oklahoma Guard helicopter pilot, said Michael transferred into the Oklahoma Army National Guard at the first of the year after serving in the infantry.

"He made two drill weekends with us and on the second one, he heard the rumor that the deploying units were looking for people to be door gunners.

"As soon as he heard that, Michael came straight to me and asked if he

could volunteer. The very next weekend, he started with that unit. He was a very excited young man and extremely enthusiastic."

Here are some comments from Michael's online journal:

Job well done soldier! You were a true Patriot and warrior keeping America strong . . . You are in Post everlasting now. You will NEVER be forgotten. To the family I can only say your son/husband/friend will forever be a hero. I salute you . . .

John 15:13 says, "Greater love hath no man than this—that a man lay down his life for his friends." I feel so blessed to have known Michael and even more so that he died protecting our way of life as we know it. You will be missed by all who knew you.

Mikey never met a stranger. His personality and love for life was contagious! You will be greatly missed, and I feel lucky to have met such a loved and loving person.

I am incredibly proud of these three men, who gave themselves fully to their families and their commitment to protecting our country.

They loved being soldiers and made the ultimate sacrifice for our freedom.

Dan, Brady and Mikey were men of strong character, full of personality and sense of humor, and courage in the face of war.

I want to salute each of you. You are our heroes. You are all incredible men, patriots, fathers, husbands, sons, grandsons, uncles, and friends. You are what this country is all about, we will never forget you.

This country will never be able to adequately repay you, or your families, for your service and the sacrifice you have made to this nation.

I am honored to pay tribute to you today and know that our thoughts and prayers are with you and your families.

And to the loved ones, it is my understanding that all three of these heroes knew Jesus and knew the Lord well. I would say to you this: this is a wink of time that we are here. This is not goodbye to Dan, Brady, Mikey; it is: We will see you later.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

#### DC GUN RIGHTS

Mrs. HUTCHISON. Mr. President, I rise to talk about a very important issue, and that is gun rights, the second amendment gun rights for our country.

As we are dealing with the financial stabilization program which is being negotiated, the continuing resolution, which will come over from the House shortly, we do have time to talk about some of the other issues that are so important for our country.

I think the second amendment rights of people who live in the District of Columbia are very important. There was a Supreme Court case, a landmark ruling, that was made by the Supreme Court of the United States a couple months ago that said: The District of Columbia gun ban was unconstitutional.

Many of us in Congress helped with an amicus brief, a brief to the Court signed by a majority of the Members of the House and the Senate, that asked that the Court overturn this DC gun ban because it was the most restrictive outright gun ban in all of America, and it clearly violated the rights of the people of the District of Columbia.

The Court agreed. Now many of us who were hoping to pursue this right for the people of the District of Columbia, which is under the auspices of Congress, waited to see what the District City Council would do. We hoped they would do the right thing and adhere to the Supreme Court ruling, which affirmed that their ban on the ownership of handguns was unconstitutional.

The District then came out with an almost incomprehensible ordinance that does continue to make it very difficult for someone to exercise their constitutional right to own a gun.

The District allows registration of pistols for use in self-defense within the applicant's home. So it does not allow the ownership of a handgun in a person's business, to have self-defense in their business, but it does allow it in the home.

But then the ordinance goes on to say that it is a policy of the District of Columbia that firearms should be stored unloaded and either disassembled or locked, which is the complete opposite result of the original ruling.

I do not think anyone in America would consider an unlocked, unloaded gun to be potentially used for self-defense if someone is entering their home illegally.

The firearm registration requirements are onerous. As a condition for registration, the District requires applicants to pay separate, unlimited fees for filing their registration, applicants have their mandatory fingerprints processed, and have their handguns run through a ballistic imaging process.

What we are trying to do now is say you would have the ability to own a handgun for your personal use in your home for self-defense for you and your family. We also want to authorize DC residents to buy handguns from licensed dealers in Maryland or Virginia because, of course, there is only one gun dealer in the District of Columbia because there has been such a shortage of guns that a gun owner would sell because you could not have one.

Because there is a current Federal law against interstate handgun sales, only Congress can authorize this. So the only way a person will have the ability to buy from a licensed dealer—and a licensed dealer must pass a record check by the National Instant Criminal Background Check System; all of that would be enforced, but we do need to have the ability for someone to have a reasonable place to go if they are going to buy a gun to protect themselves and their family.

The bottom line is, as soon as we have representation on the floor by both parties, I intend to ask unani-

mous consent that we proceed to consideration of the bill. Now, the bill is H.R. 6842. It passed the House overwhelmingly last week. We want to take up that bill. In fact, I have a letter to Senator REID signed by 47 Members of the Senate, and I am asking that be submitted for the RECORD.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, September 19, 2008.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER REID: On June 26, 2008, the Supreme Court issued a landmark ruling affirming the Second Amendment right to bear arms as an individual and constitutionally protected right. In *District of Columbia v. Heller*, the court affirmed that the District of Columbia's ban on ownership of handguns was an unconstitutional restriction on that right. The majority held "that the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense."

For more than thirty years, the District of Columbia has subjected residents to the most prohibitive gun control laws of any city in the nation, requiring rifles and shotguns to be registered, stored unloaded, and either locked or disassembled. Despite the Court's ruling in June, the District of Columbia city council has continued to exact onerous and unconstitutional firearm regulations on law-abiding residents.

This week, the House of Representatives passed H.R. 6842, the National Capital Security and Safety Act. This bipartisan bill was overwhelmingly approved with a vote 266-152. We ask you to ensure that D.C. residents do not have to wait any longer to realize their constitutional rights by allowing the full Senate to consider H.R. 6842 before the 110th Congress concludes.

Sincerely,

Kay Bailey Hutchison; Jon Tester; Saxby Chambliss; Judd Gregg; Richard Burr, John Ensign; Johnny Isakson; John E. Sununu; John McCain; Lisa Murkowski; Jim DeMint; —; Kit Bond; John Cornyn; Mike Enzi; Ted Stevens; Orrin Hatch; Chuck Grassley; Max Baucus; Larry E. Craig; Mel Martinez; Thad Cochran; Roger Wicker; Sam Brownback; Lindsey Graham; Pat Roberts; John Thune; Richard Shelby; Mike Crapo; David Vitter; John Barrasso; Elizabeth Dole; George V. Voinovich; Pete V. Domenici; Jim Inhofe; Wayne Allard; Norm Coleman; E. Benjamin Nelson; Tim Johnson; Bob Corker; Lamar Alexander; Jon Kyl; Gordon H. Smith; Olympia Snowe; Susan M. Collins; Mary Landrieu, Mitch McConnell.

Mrs. HUTCHISON. Forty-seven of our Members have asked the majority leader to allow this bill to be taken up so we can pass it and send it to the President and assure that the people of the District of Columbia have the same second amendment right that is allowed to every other person in our country. So I would ask whether the Chair is able to speak for the majority