

which offers additional tools to States to enable them to preserve these public use airports. I am hopeful this program will be used to keep these important facilities for general aviation, corporate, and agricultural uses, and the medevac and firefighting uses which depend on sufficient airport facilities to continue to operate.

I commend the chairman of the Commerce Committee, Chairman MCCAIN, for working with me on this provision.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

#### OFFICE OF COMPLIANCE MEETING CANCELLATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached statement from the Office of Compliance be printed in the RECORD today pursuant to section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1383(b)).

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

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
Washington, DC, November 20, 2003.

Hon. TED STEVENS,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. PRESIDENT: A Notice of Proposed Rulemaking (NPR) for amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record dated September 4, 2003. Subsequent to the publication of this notice, this office announced a hearing for public comment on the proposed amendments in the Congressional Record on October 15, 2003.

The Board of Directors of the Office of Compliance cancels the hearing regarding the proposed amendments to the Procedural Rules of the Office of Compliance which had been scheduled for December 2, 2003, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building.

We request that this notice of cancellation be published in the Congressional Record. Any inquiries regarding this notice should be addressed to the Office of Compliance at our address below, or by telephone at 202-724-9250, TTY 202-426-1665.

Sincerely,

SUSAN S. ROBFOGEL,  
Chair.

#### TRIBUTE TO CPL RODNEY "JIMMY" ESTES II

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a brave young man who just returned from a tour of duty in Iraq. Rodney "Jimmy" Estes II is from my hometown of Louisville, KY. A few months ago, Jimmy was dressed in fatigues fighting the war on terror in the Iraqi desert. But

today, you can find him wearing red and white and playing football for the University of Louisville Cardinals—my favorite team.

Jimmy Estes, a 1998 graduate of St. Xavier High School, turned down a football scholarship to Georgetown College to follow in his grandfather's footsteps—to serve in the U.S. Marine Corps. The day after graduation, he left Kentucky for boot camp at Parris Island. And on January 7, 2003, Jimmy was called to active duty.

As a member of the Alpha Company, 8th Tank Battalion, Jimmy was on the front lines in An Nasiriyah, Iraq. During his time in the country, he experienced some of the war's most intense fighting. In his tank, he worked as the loader and operated the 240-millimeter gun on top of the vehicle. Jimmy and his comrades are unsung heroes in one of our troops' finest hours. They were the lead tank in the rescue mission of PVT Jessica Lynch.

To pass the hours in Iraq, Jimmy played football with his fellow soldiers, reminding him of his lifelong dream—to play football for the University of Louisville Cardinals. Following his tour of duty, which ended this past May, Jimmy returned home and enrolled at U of L. Determined to play football, Jimmy spent his summer preparing to try out for one of four walk-on positions. And just like on the battlefield, Jimmy succeeded. Not only is he a wide receiver on his university's football team, he also continues to serve his Nation as a Marine reservist.

Jimmy's bravery, humility, and determination should be commended. On behalf of this grateful Nation, I ask my colleagues to join me in thanking Corporal Estes for his dedicated service. As a proud U of L alum and most importantly, a football fan, I wish Jimmy and his teammates a winning season. Go Cards!

I ask unanimous consent that the article, "For Jimmy Estes, that was war; this is football" from my hometown paper, The Courier-Journal, be printed in the RECORD.

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

[From the Louisville Courier-Journal, Oct. 10, 2003]

FOR JIMMY ESTES, THAT WAS WAR; THIS IS FOOTBALL  
(By Pat Forde)

The war wasn't so bad until bedtime.

Jimmy Estes spent the dusty desert days in the company of his M1A1 Abrams tank crew or with the other members of Alpha Company, 8th Tank Battalion. On the dull days the Marines opened care packages or talked about family, sports and what they'd give for cold water and hot showers. On the deadly days they went out and killed Iraqis because it was their job, and when the battles around An Nasiriyah were done, the soldiers reshaped them in detached terms.

But at the end of the day, when Cpl. Rodney J. Estes II would lie down and stare up at the inky Arabian night, he was alone with the whole thing. It was just him and the horror: the dead women and children, the dogs tugging at corpses, the Iraqis he personally

shot in combat, the bullets they shot at him that pinged off the tank's armor.

It was just him and the heroism: Estes and his mates rode the lead tank on the famous Jessica Lynch rescue mission, laying down fire and securing the perimeter before Army Rangers and Navy SEALs went into Saddam Hussein General Hospital to retrieve America's most famous POW.

He took all of it to bed with him.

"Those were some lonely nights," Estes said.

It was during those lonely nights that he made a vow: "If I get out of here and make it home alive, I'm going to do it."

Go to college. And play football. For his hometown team, the University of Louisville.

Today Jimmy Estes is alive and well and a 23-year-old walk-on wide receiver for the Cardinals.

He saw enough death in the desert to learn that dreams can come with an expiration date—probably not one of your choosing. A young man who had drifted along without plan or purpose since graduating from St. Xavier High School in 1998 had an epiphany in Iraq.

"Absolutely, it changed me," said Estes, who hadn't played organized football in six years. "I kind of piddled around at jobs here and there, not anything I'd call a career. If I hadn't gotten deployed, to be honest, I don't know where I'd be right now."

"I don't take things for granted like I used to. I realize how lucky I am. I realize life can end."

Now his life is just restarting. He is a justice administration major in the classroom, with designs on becoming a football coach. On the field he is a humble freshman who hasn't even dressed out for a game.

Yet there is no bigger hero in the U of L football program.

Said offensive lineman Will Rabatin, Estes' friend since grade school: "I'm proud to know him."

No more proud than Estes is to have this long-shot college football experience. Think of all the coddled athletes out there, complaining that a full ride isn't enough. Then listen to Estes, who's been through more than those guys can ever imagine and now cherishes the chance to pay his way through college and play on the scout team.

"He's just a great kid to have around," said offensive coordinator and wide receivers coach Paul Petrino. "Every day when we start out doing ball drills, he has a lot of enthusiasm, a lot of fire. You can tell he loves being here."

"I look forward to going out there every day," Estes said. "I really appreciate the opportunity. It's just so great to be a part of it."

In the weeks before the invasion of Iraq, the Marines played touch football in Kuwait all the time. Tankers against tank maintenance. In combat boots. In the desert.

Talk about your sandlot games.

For Estes, this was a continuation of his life long love of sports. When he played flag football in grade school, all the kids on the sidelines were squirting each other with water bottles, oblivious to the game. Jimmy was running the sidelines, keeping pace with the action and imploring his coaches to put him in.

When he was 6 he persuaded his father, Rodney, a retired Louisville police officer, to get him out of school early for the first two days of the NCAA basketball tournament. Jimmy sat in front of the television from noon until midnight each day, transfixed.

At age 7 he was reading Sports Illustrated cover to cover.

Later on he played at St. Martha for Rabatin's father, once catching the winning

touchdown pass in the Toy Bowl. Then it was on to St. X, where he played little his final year after a disagreement with the coaches. "He just didn't have a positive experience," his father said. "Part of that was his fault."

Estes' only football option was a partial scholarship to Georgetown College. He turned it down to follow in his grandfather's footsteps—into the Marine Corps and into a tank.

"That broke my heart when he didn't take that scholarship to Georgetown," Rodney Estes said. "You know how you envision going down there on Saturdays to watch your son and walk around campus?"

Instead, a day after graduation from St. X, Estes was off to Parris Island for boot camp as a Marine reservist. Higher education—and football—flickered out of sight.

In 1999 he had talked to UofL assistant Greg Nord and then-coach John L. Smith about walking on, but he never followed through. He worked a job here and a job there and performed his duties with the reserves. Life was standing still.

"He kind of had his head up his—in other words," said Lance Cpl. Nick Rassano, a 2000 Trinity graduate who was in the same tank in the Middle East with Estes.

Then last Jan. 7, the phone rang at Ruby Tuesday, where Estes was bartending. The order was expected but still jarring: Report for active duty.

He told his family the news at dinner that night. Two days later he was gone—but not without some prescient final words from his father.

"Remember," Rodney Estes told his oldest son, "the way you handle yourself out there probably says a lot about how you'll handle the rest of your life."

First stop was Camp Lejeune, N.C. Then he was on a ship 30 days to Kuwait, for a month of preparation, some touch football and the last decent meals for a long time.

Finally, after a month in Kuwait, Estes and the rest of the American military force invaded Iraq.

"I was a policeman 25 years, and I'm not the kind of guy who gets overly worried," Rodney Estes said. "But I tell you, that night he left I thought, 'This could be the last night I ever see him.' When your own kid goes off, that puts you through some changes."

"I'd wake up in the middle of the night and watch CNN. I watched so much TV I was about to drive myself crazy."

Over in Iraq, the A-8 Marines were pushing hard toward An Nasiriyah and what ultimately would be some of the most intense fighting of the war. The first day of combat was the worst, as Estes watched a rocket-propelled grenade blow up an American vehicle and kill several soldiers.

He said they arrived in the area to find the streets flooded with sewage that stalled half of Alpha Company's 14 tanks—including his, christened the "Think Tank" because of the crew's propensity for making maintenance errors.

When the tanks bogged down, the Iraqis lit up. They were firing on foot, from orange-and-white taxis and from SUVs.

Estes was the loader in his tank but also was charged with manning the 240-millimeter gun on top of the vehicle. With the upper half of his body in view, he exchanged fire with the enemy.

Welcome to the terror and exhilaration of warfare, Cpl. Estes.

"It was a heck of an adrenaline rush," he said. "I was scared, excited, all those things. I think of it like going into a big game, only times 100. Obviously, the stakes are much higher."

"You get a sick feeling in the pit of your stomach. I didn't freeze or tense up, but I definitely had butterflies."

Asked if he personally shot anyone, Estes looked down briefly and answered yes. There was no bravado in his voice.

"The first time you see somebody get hit with a round is a crazy feeling," he said. "It's a sick feeling. But when you sign up to be a Marine, that's something you obviously know can be part of the job."

"I can't sit here and describe the feelings you get. I can tell you what I saw, but in no way does it simulate what it was like."

There is no simulation. Just late-night assimilation—alone, lying on your back and staring at the sky in a strange and dangerous land.

One day the Think Tank crewmen got the call to be part of a hush-hush mission. They were to be the lead among three tanks escorting a group of Special Ops forces into town. It had the potential to be dangerous. Estes' tank commander had him clear out space inside the tank, in case they needed it to transport bodies.

They originally were told that the target was a Saddam look-alike. They had no idea that they were going to play a part in the most dramatic—and later controversial—event in the war.

In the early hours of April 1, their tank led a group of other vehicles carrying Special Operation Unit Task Force 20 into Nasiriyah, storming into position around the hospital. Night-vision goggles on, Estes laid down suppression fire with the 240-mm gun for a few minutes and set up a perimeter before the Rangers and SEALs went in.

Lynch was rushed out and loaded onto a helicopter, though most involved in the rescue still didn't know the particulars of what happened. Estes' tank remained in position for hours afterward.

At one point he was told to hand some Special Ops soldiers a tank shovel. They used it to dig up a shallow grave outside the hospital, locating the bodies of several Americans from Lynch's 507th Maintenance Company.

It wasn't until days later that the Think Tank crew was able to piece together the story and realize that their mission was the rescue dominating news coverage at home.

"We didn't realize how big a deal it was until we saw it on the cover of Newsweek," Rassano said.

To Estes the mission was important for one other reason: He never again discharged his weapon. A series of moves to other cities resulted in nothing more noteworthy than a couple of utterly uneventful weeks guarding a bridge.

With the action centralizing on Baghdad, there wasn't much to do other than reading the Sports Illustrateds and eating the beef jerky sent from home. Finally, Alpha Company pulled out and returned to Kuwait on May 5.

The war was over for Cpl. Estes. It was time to act on his vow.

During the interminable 38-day voyage back to America, Estes e-mailed his father and told him his plans: He was going to enroll at U of L and walk on to the football team. Rodney Estes was thrilled.

Jimmy returned to Kentucky on July 2, and he and the rest of his battalion were feted at Fort Knox. He obviously was thrilled to see his family—his father, mother, stepmother, stepsister and two half-siblings.

Especially his 11-year-old half-sister, Jennifer Estes. He thought of her often when he saw children her age caught in the calamity of war.

"He's crazy about her," Jimmy's dad said. "He's not exactly a sensitive kid by any stretch of the imagination, but I think some of the things he saw over there affected him."

To help put the war behind, Estes plunged into his future plans. After about a week of

acclimation, he began working out six days a week toward his goal of becoming a Cardinal.

A depressing and debilitating diet of MREs—the scarcely edible Meals Ready to Eat—had killed his appetite. By the end of the war Estes could eat barely half an MRE a day, and he lost a significant amount of weight and muscle mass.

But that could be overcome with work, and he was driven. His first couple of calls to U of L graduate assistant Sam Adams, in charge of the walk-on program, went unreturned. Finally, Adams called back.

He said that Estes couldn't walk on until classes started, but in the meantime the coaches wanted to look at some videotape of him. He had nothing significant to show since his days on the St. X junior varsity. Nevertheless, Adams told him to report for a one-day group tryout.

Estes arrived in excellent physical condition, performed well in the fitness tests and was one of four walk-ons chosen for the team. After U of L upset Kentucky to open the season Aug. 31, he reported for his first practice as a Louisville Cardinal.

"It was awesome that first day, just putting on the equipment again," he said. "I was looking around saying, 'I'm playing with a Division I football program. Four months ago I was shooting at Iraqis running around with AK-47s.'"

Today life is easy. The 18-hour days don't pile up for weeks on end. The food is edible. There are no tank repairs, no missions, no imminent danger.

The load so many student-athletes find so difficult is like vacation to Jimmy Estes.

"All you've got to do is go to class and play football," Rassano said. "That's got to be the easiest thing he's done all year. After going through there, everything's easier."

"The whole experience kind of straightened him out. I'm real proud of Jimmy."

A good many Cardinals have no idea what Estes was going through while they were in spring practice. But a few have seen the USMC tattoo on the 5-foot-11, 200-pound receiver's left shoulder and inquired, and a few others have heard a story or two about the walk-on soldier.

He doesn't hide his history, but he doesn't broadcast it, either. He's not looking for hero status in the locker room.

"The coaches can't give me any special treatment, and I don't want it," he said. "I'd always heard stories of people coming back (from a war) and thinking the world owed them something, or they were messed up mentally. I didn't want that. I just wanted to make that experience a positive."

U of L will play Army tomorrow. Estes has been where none of the celebrated West Pointers has gone yet: into combat for his country.

He is a Cardinal worthy of a salute from the Cadets.

Yet he wasn't even supposed to be at the stadium. Instead, he was scheduled for real military work: a reunion with Alpha Company at Fort Knox for their first weekend of reservist training since the war.

But at practice yesterday head coach Bobby Petrino informed Estes that he will be dressing out and joining the squad if he can get a furlough from Marine drills.

Estes plans to wear two uniforms tomorrow; he'll be in Papa John's Cardinal Stadium in the afternoon after meeting up with his mates in the morning. He's looking forward to seeing the men with whom he shared a life-altering experience—and telling them about his college football career.

"I don't think a whole lot of them really believed me," he said with a smile.

But it's true. A desert dream that materialized on lonely nights under an inky Arabian sky has come true.

# MILITARY SNIPER WEAPON REGULATION ACT

Mr. LEVIN. Mr. President, in the November 3, 2003 edition of Air Safety Week a connection was drawn between airline safety and gun safety. And, while some people may think there is no connection between airline safety and gun safety, the connection is serious. Attention has been paid to potential vulnerabilities of commercial aircraft to terrorists armed with shoulder-fired missiles. A more pedestrian but an equally deadly potential threat looms from terrorists armed with .50 caliber sniper rifles.

The .50 caliber sniper rifle is among the most powerful weapons legally available. These weapons are not only powerful, but they're accurate. According to the House Government Reform staff report, the most common .50 caliber weapon can accurately hit targets a mile away and can inflict damage to targets more than four miles away. The thumb-size bullets, which come in armor-piercing and incendiary variants, can easily punch through aircraft fuselages, fuel tanks, and engines.

These weapons pose a serious threat to planes both in the air and on the ground. According to a recent Violence Policy Center report, aircraft landing are particularly vulnerable, as illustrated by the testimony of Ronnie G. Barrett, President of Barrett Firearms Manufacturing. As an expert witness during a 1999 criminal trial, Barrett was asked about the relative difficulty of hitting a stationary target and a moving target, such as a motorcycle or an airplane. He was asked about shooting at an airplane "coming in to land . . . descending over 120 miles an hour." He testified: "If it is coming directly at you, it is almost as easy. Just like bird hunting. But yes, it is more difficult if it is horizontally, or moving from left to right . . ." In other words, according to Barrett, shooting at a moving object coming directly at one is "almost as easy" as a stationary target, an answer that is consistent with detailed instructions given in a variety of U.S. Army manuals about engaging aircraft with small arms.

Despite these facts, long-range .50 caliber weapons are less regulated than handguns. Buyers must simply be 18 years old and submit to a Federal background check. In addition, there is no Federal minimum age requirement for possessing a .50 caliber weapon and no regulation on second-hand sales.

I believe the easy availability and the increased popularity of the .50 caliber sniper rifle poses a danger to airline safety, as well as homeland security. That's why last year I cosponsored Senator FEINSTEIN's Military Sniper Weapon Regulation Act. This bill would change the way .50 caliber guns are regulated by placing them under the requirements of the National Firearms Act. This would subject these weapons to the same registration and background check requirements as other weapons of war, such as machine

guns. This is a necessary step to protecting the safety of airline travelers.

The .50 caliber sniper rifle is among the most powerful and least regulated firearms legally available. Tighter regulation is needed. I urge my colleagues to support Senator FEINSTEIN's bill.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In San Antonio, TX, on October 26, 2003, Allen Everton, age 74, was beaten to within inches of his life. His assailant believed that Everton was gay, and while hitting the elderly man with a baseball bat, called him a "freaking faggot." Mr. Everton died 11 days later of natural causes, but I can only imagine how scarred he must have felt after being the victim of a senseless attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## HONORING OUR ARMED FORCES

Mr. GRASSLEY. Mr. President, I rise today in honor of a fellow Iowan and a true American hero PVT Kurt R. Frosheiser. Private Frosheiser was killed while serving our country in Operation Iraqi Freedom on November 8, 2003, when his humvee was struck by an improvised explosive device in Baghdad. Private Frosheiser was only 22 years old at the time of his death.

I ask my colleagues in the Senate, my fellow Iowans, and all Americans to join me today in paying tribute to Private Frosheiser for his bravery and for his dedication to the cause of freedom. Private Frosheiser had a deep desire to serve his country, and we are all indebted to him for his service and for his sacrifice.

In an interview with the Des Moines Register, Private Frosheiser's mother, Jeanie Hudson, said the following about her son: "He loved this land and its principles. He loved Iowa. It's an honor to give my son to preserve our way of life."

Throughout our history, we have found extraordinary men and women who are willing to give their lives to defend our country and families willing sacrifice those who they love most to the cause of freedom. It is with great sadness, but also great pride, that I honor one such patriot today on the floor of the Senate, PVT Kurt Frosheiser.

Today we honor a fallen patriot, but we must also remember to pay tribute to the loved ones whose grief we share. My deepest sympathy goes out to the members of Private Frosheiser's family, to his friends, and to all those who have been touched by his untimely passing. May his mother, Jeanie, his father, Chris, his step-father, Daniel, his sister, Erin, and his twin brother, Joel, be comforted with the knowledge that they are in the thoughts and prayers of many Americans, and that they have the eternal gratitude of an entire nation.

Kurt Frosheiser did not die in vain. He died defending the country he loved. May he always be remembered as a true American hero.

SGT ROSS A. PENNANEN

Mr. INHOFE. Mr. President, I rise to pay homage to Sergeant Ross Pennanen, who, in the words of his father, "gave the ultimate sacrifice for his country—his life." Sergeant Pennanen, or "Penn", as his friends called him, was a dedicated defender of America who learned the value of serving his country from his father's example in the United States Air Force. For his service and his sacrifice, I am proud to honor him on the Senate floor today.

Sergeant Pennanen was assigned to C Battery, 2nd Battalion, 5th Field Artillery Regiment, III Corps Artillery at Fort Sill, OK. A native Oklahoman whose mother and father live in Ada and Midwest City, respectively, Sergeant Pennanen grew up in McCloud and joined the Army 2 years ago at the age of 34 in hopes of improving himself and emulating his father. He was himself a good father who spent a lot of time with his 7-year-old son, Gage.

Sergeant Pennanen died tragically on November 2 when a CH-47 Chinook helicopter in which he was riding crashed in Fallujah, Iraq. He was a good soldier: he received the Army Commendation Medal two days before his death. Despite questions about his age, Sergeant Pennanen proved a "gung-ho" example for his fellow soldiers. According to his stepmother, "He didn't keep up with them. He set the pace out in front of them."

On behalf of the U.S. Senate, I ask that we pay tribute to Sergeant Pennanen and the men and women like him, who know the true meaning of service and sacrifice. These men and women have tasted freedom, and wish to ensure that freedom for those who have never experienced it. I honor the memory of our sons and daughters who have died for this noble cause.

We could not have asked for a better soldier or diplomat of humanity than Sergeant Ross Pennanen. I am proud of him, and proud of the commitment he showed to winning the freedom of those he did not know. My prayers are with his family for the loss of such a special man.

PVT JASON M. WARD

Mr. INHOFE. Mr. President, I rise today to honor the memory of a courageous young Oklahoman who died