

HONORING OUR ARMED FORCES

SERGEANT KYLE BRINLEE

Mr. INHOFE. Mr. President, I stand here today in memory of a courageous young American who gave his life for freedom. He gave his life for the people of Iraq, he gave it for his fellow Americans, and he gave it especially for those he loved. SGT Kyle Brinlee at the age of 21 gave up his life for the sake of others, and for his service and his sacrifice, I am proud to honor him on the Senate floor today.

SGT Kyle A. Brinlee of Pryor, OK, was deployed from Fort Sill and served as a masonry and carpentry specialist with the 120th Combat Engineering Battalion in Iraq. When he went to Iraq in February, he left the familiar comfort of Pryor, OK, for the unknown hostility of the Middle East. He left his family, friends, and neighbors, expecting to be home within 6 months or a year at the most. Only 3 months passed before these same people lined the streets of Pryor as his funeral procession passed.

On May 11, near Alasad, Iraq, an explosive device destroyed the vehicle in which Kyle Brinlee was riding. He died while securing the freedom of millions of Americans, while trying to secure a chance of that freedom for the Iraqi people.

Sergeant Brinlee, the first Oklahoma guardsman to give his life in Iraq, was eulogized in May in front of a crowd of 1,300 people at the Pryor High School auditorium. Kyle was remembered as an outstanding soldier, a morale builder who was always willing to be the first to volunteer, and as someone who all will miss. After his death, the National Guard awarded Kyle the Bronze Star and the Purple Heart. He has also earned my admiration and prayers and those of many other Americans. His choice was that of a true hero: He endangered his own life for the sake of something greater, and that courage to act for the good of all will mark his legacy forever.

Sergeant Brinlee stands as a true example of bravery. He knew of the dangers that awaited him. He knew he might never have another opportunity to see his family, but he also knew his mission. He knew that American freedom does not come from the complaints of the many but from the sacrifices of the few. SGT Kyle Brinlee was man enough to be counted amongst those noble few. Kyle Brinlee was a true American hero.

Mr. President, on each trip I take overseas as one of the members of the Senate Armed Services Committee, the message I get back from the troops in the field is always the same: Why is it that people in America do not understand what we are doing? I think the media has done a lousy job, distorting the true reality of the freedoms that are taking place in Iraq, of all the good things that are happening over there.

I hear from these brave young troops. They know what their mission is. They know America is in its most threat-

ened position today. They know they are risking their lives, yet they are willing to do it. Certainly SGT Kyle Brinlee is one of those, a very good, heroic example.

Mr. President, I yield the floor.

S. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. DODD. Mr. President, this evening the Senate is expected to consider H.R. 2844, the Continuity in Representation Act of 2004. While there are significant problems with this bill, I believe it is in the best interest of ensuring the continuity of government that the Senate pass the bill, as received from the House, without amendment, before we begin this extended recess.

The most troubling problem with this bill is that it may have the unintended consequence of disenfranchising overseas military voters who are serving this Nation in combat. So in taking this action tonight, let me suggest that our work will not be done. I strongly encourage my colleagues in the House to review this legislation in light of these concerns and to consider adopting technical corrections to this bill to address its unintentional consequences.

The bill before the Senate today is, at best, a stopgap measure which attempts to provide a way to reconstitute the House of Representatives in the event that in excess of 100 vacancies occur in its membership. Unlike vacancies in the Senate, which under the Seventeenth Amendment can be immediately filled, the House has no way to reconstitute itself short of holding elections. In essence, H.R. 2488 requires the States to hold expedited special elections to fill vacancies which occur under extraordinary circumstances.

The House-passed bill provides that upon the announcement by the Speaker of the House that more than 100 vacancies exist in the membership of the House, the States affected must hold a special election within 45 days of the announcement, unless there is a regularly scheduled general election scheduled within 75 days of the announcement. This overly optimistic time line all but ensures that overseas military voters and overseas voters will not have their ballots counted in such an election.

In an attempt to address the issue of overseas military voters and other overseas voters, the House adopted language which calls on the States, but does not require them, to issue absentee ballots or voting material to overseas military voters within 15 days of the Speaker's announcement. However, the bill then requires such States to accept and process such ballots for up to 45 days from the date that the State transmitted the ballot to the voter. On its face, those deadlines would require that an election be held no sooner than 60 days after an announcement by a Speaker of the House in order to ensure

that such absentee military ballots are counted.

However, the situation may be much worse. Because the House bill does not require States to transmit ballots to overseas military voters by any specific date, under certain State laws, such voters can receive absentee ballots up to literally the day before the election. In such a case, a State would be required to accept the overseas military ballot up to 45 days after that date, or 90 days after the Speaker's announcement.

The obvious result of these two provisions is to potentially extend the date of the election beyond the required 45 days after the Speaker's announcement—ranging from 46 days to 90 days. And therein lies the problem: are overseas military ballots that are received by the State from 1 to 90 days after the actual election date still counted, or are they ignored unless the election is close?

The unintended consequence of this bill is to tell our brave men and women in uniform, who are literally putting their lives on the line for this Nation in combat overseas, that while they may be able to cast a vote, there is no guarantee that their vote will be counted. That is simply an unacceptable result.

On the other hand, if the result is to hold an election open until all possible overseas ballots are received, then this bill does not provide for expedited elections at all. In fact, the result may be the inability of our Government to function for as long as 90 days after a catastrophe. That would be contrary to the stated purpose of the bill.

And that is why our work is not done. This bill may be a necessary interim measure, but to ensure that there is no lapse in the authority of the House, and the ability of Congress, to exercise its constitutional responsibilities, may require a constitutional amendment providing for an appointment to fill a vacancy. In the meantime, until an amendment to the Constitution can be adopted and ratified providing for the immediate reconstitution of the House, this measure provides some assurance that our representative form of government will continue.

Numerous organizations have called on the House to adopt a constitutional approach, not the least of which is the Continuity of Government Commission, chaired by our distinguished former colleague, Alan Simpson, and the respected Lloyd Cutler. While I respect the concerns of my House colleagues that we preserve the House as an elected body, the Framers did not intend that such a noble principle become the undoing of the people's representative branch of government.

We must find a rational and workable way to ensure that our Government continues to function despite the intent of terrorists and others who would render the people's House silent. But we must do it in a way that ensures