

for us and for our country. He literally was in office when the United States went to declare World War II in 1954. He was speaker when the first flight of the Boeing 707 was completed. He saw the Space Needle completed for the World's Fair that was held in Seattle in 1962. He was there when Microsoft was founded. He led our State through the challenging times responding to Mount St. Helen's eruption in 1980. And he was there to lead our celebration as Washington State celebrated our 100th anniversary as a State in 1989.

But John O'Brien also was a man who thought about the future, and he has an unending list of accomplishments that literally touched the lives of thousands of Washingtonians. He changed the course of history in our State by his generosity, by his leadership, by his commitment, his inspiration.

I know my remarks will not do him justice, but I just want to say that he did a lot in a time and period of making sure that despite the lofty position he held in the house, he never lost track of what the constituents of his district and of our State cared about. He worked on property tax relief for seniors and low-income individuals. He fought for prescription and over-the-counter drug information labeling so that seniors knew what kind of products they were purchasing. He was a champion of State employee collective bargaining and workplace safety issues. He sponsored Washington State's first clean air act. That might sound like something lots of people do, but he actually sponsored that legislation in 1940. So he was ahead of his time in thinking about Washington State's environment and how to preserve the pristine quality of life that is so important to us.

He helped to establish one of the first programs in the Nation to commit a percentage of our construction budget for the creation of art. He helped save and restore Franklin High School. He worked to make sure we established a drug-free zone and got legislation passed removing the sales tax from items sold at charitable auctions.

John O'Brien represented one of the most diverse neighborhoods in Seattle, an area called the Rainer Valley. The Rainer Valley began as an Irish and Italian community of immigrants, and with Speaker O'Brien's leadership, it helped to incorporate various waves of new immigrants from various communities: the Chinese-American community, Japanese, Filipino, African American, Orthodox Jews, Vietnamese, East African, and Hispanic citizens. Now, it is, as I said, one of the most diverse areas of our State.

When the Seattle Times ran a story about Speaker O'Brien's life and how his values were shaped, they said:

Mr. O'Brien was just 7 years old when his Irish immigrant father, a detective with the Seattle Police, came home after a particularly tough day on the job. He turned to his eldest son and asked, rhetorically, "What will ever become of you if something happens to me?"

Two years later his father was shot and killed while on duty. That left the young Mr. O'Brien to help his mother, also an Irish immigrant, care for their siblings. By the time he was a teenager, he was bringing home a paycheck as a truckdriver for Keefe's Grocery in Rainier Valley. He went on to start his own accounting firm.

The Seattle Post-Intelligencer quoted former Governor Dan Evans, who knew John O'Brien well, who said:

He knew how to lead and occasionally when things got rambunctious, he had to have a heavy gavel to get things back in order.

Evans remembered one time when he challenged an O'Brien ruling, O'Brien slammed his gavel down so hard the head snapped off.

While O'Brien was a fiscally conservative Democrat, he understood what the role of the speaker required of him. He was always ready to have a good time.

I remember that if there was ever anybody who captured the saying, "when Irish eyes are smiling," it was John O'Brien because he had a twinkle in his eye and a way to get people engaged. When I entered the State legislature at the age of 28, I was the youngest member at the time, and he was the most senior member of our legislature. Knowing of my Irish heritage background, he got me to commit to him that I would participate in St. Patrick's Day celebrations in his office by doing the Irish jig if, in fact, he produced someone with a bagpipe.

Well, unbeknownst to me, our secretary of state, Ralph Monroe, of Scottish heritage, had such bagpipes stored in his office and was quite frequently seen in the halls of Olympia playing the bagpipes. So on St. Patrick's Day I did participate in Speaker O'Brien's St. Patrick's Day celebration, as did our secretary of state, Ralph Monroe, and many others.

I hope to this day that there is not a picture of my rendition of my Irish heritage dance. But I know I will always remember on St. Patrick's Day John O'Brien and his great service and his heritage in our State.

On the last two pages of his biography, "Speaker of the House," Speaker John O'Brien sums up his philosophy on how to survive in a legislature. He said:

Do your best, count the votes, and, win or lose, move on to other pressing issues.

He said:

It might stay with you for a while, but as far as being disappointed, you cannot let it remain as a personal matter because there's always another rollcall. There's always another day.

We can find inspiration in Speaker O'Brien's service as we face tough legislative issues here and as we face our vote today. No matter on what side of the political aisle you stand, we can all join in honoring the inspiration from others who have served and honoring the life of Speaker John L. O'Brien for his lifetime of public service.

My thoughts are with his family: his wife Mary, their six children, John O'Brien, Jr., Laurie, MaryAnn, Karen, Jeannie, and Paul, and to their grandchildren.

John O'Brien was a great Washingtonian, a great citizen of our country, and we will miss him, and we will try to live up to his accomplishments and to his legacy.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 1236 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO JOHN O'BRIEN

Mrs. MURRAY. Madam President, I come to the floor this afternoon to take a couple of minutes to speak and to honor the life and legacy of a great leader from my home State of Washington. He was the former Speaker of the House, John O'Brien, and he passed away just this past weekend.

It is no exaggeration to say that John O'Brien had one of the longest and most accomplished careers of anyone who served in our Washington State Legislature. I was really lucky to have an opportunity to work with him when I was in the Washington State Senate and he was serving in the House. He was one of those people whom, whenever he walked into a room, everyone noticed. I always thought he was just so tall, but then I am only 5 feet tall, so to me he was tall. But it is amazing to me how many people say that his stature brought the respect of everyone who ever met him, and it certainly was true for me and for so many of us.

As Speaker of the House, he was known to be very tough but always fair. He was always firm, and he was always compassionate. I think I learned most from him that when you know the rules and use them for the betterment of all people, that is the kind of power which leaves you with a legacy everybody admires.

John leaves us many legacies. He leaves us a record of long and distinguished service in the State legislature. There is a building on our capitol grounds in Washington State that bears his name. He leaves behind laws that made our State a better place to work, to live, and to raise a family. Most importantly, he left a legacy of service that lives on in all of us who were lucky enough to serve with him and to be inspired by his leadership. It is the kind of legacy that any elected official would be proud of.

On this sad occasion, I extend my condolences to his family, to his many friends, and to all of us who served with him. We will not forget his legacy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

IRAQ SUPPLEMENTAL

Mr. BROWN. Madam President, recently we learned the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training and inadequate equipment and with insufficient downtime.

The supplemental passed today echoes what many of us in Congress and military families across the country have been saying: We need a new direction for Iraq. Make no mistake, we take a backseat to no one in supporting the brave men and women fighting in Iraq. We absolutely support their families. However, more of the same is not a plan for our troops and will not end this war in Iraq. This war has made our world and our country less safe. The Iraq war has cost 142 Ohioans their lives. It has wounded another 1,000 Ohioans.

Congress will continue to fight for our Nation's military by working to see they have the resources and support they need and leadership they deserve. The supplemental did that today. The supplemental fully funds and fully supports our troops, while establishing conditions that will bring our troops home. It provides desperately needed funding to the VA, something the President simply has not asked for, to help care for the hundreds of thousands of new veterans created by this war.

In the Veterans' Committee yesterday, we heard from families about tragedy after tragedy, from families who have lost loved ones in this war, who didn't get the proper care from the VA because of underfunding, who didn't get the proper direction when they returned home from Iraq because the White House simply did not schedule in the way they should have the kind of help for returning Iraqi veterans. If the President won't take responsibility for those failures and lead our troops home, then Congress must. We owe it to our soldiers, sailors, air men and women, our marines, and especially to their families.

The President should listen to the military leaders and listen to the American people and work with Congress to change course in Iraq instead of threatening vetoes. I hope the President reads this legislation before he makes his final determination whether to sign it or whether to veto it. Vetoing this legislation would deny funding that our military needs and that our veterans desperately need,

such as \$99 billion in emergency Department of Defense spending—\$4 billion more than the President requested; \$3 billion for mine-resistant, ambush-protected vehicles; \$4.8 billion in military construction in part to fund BRAC—\$3.1 billion will go to funding the BRAC 2005 account, and we know all over the country how important that is; and \$1.6 billion for individual body armor.

The President and the Pentagon and civilian leaders of this country have fallen shamefully short in their failures to provide the body armor for our troops. We have all heard too many stories. I have heard them in Steubenville and Toledo and Dayton about soldiers' families telling us they didn't have the proper body armor they needed.

The VA would get \$1.7 billion more than the President's VA proposal. We know the VA is underfunded at least that much. They have increased only about 10 percent in terms of employees but have a workload of returning Iraqi war veterans of at least 2.5 times that number. There is \$39 million in our supplemental budget for polytrauma-related funding. There is \$10 million for blind veterans programs. There is \$100 million—and this is essential—for VA mental health services and \$25 million for prosthetics. None of those did the President include in his request, and none of those have we prepared for properly in the previous Congress and in the White House.

When we add up the numbers and we see 3,300 soldiers and marines in our country have lost their lives in the Iraq war, when you understand the tens of thousands of injuries, we see that our VA is simply not prepared. They are not prepared for this year and next year, let alone for the 50 years down the road when taxpayers are going to be taking care of these deserving veterans, giving the kind of care that we should be providing. We are going to see we are not prepared over the next 50 years to do that, either for health treatment or for treatment of mental health injuries.

In addition to the Iraq spending and the spending for our Nation's returning veterans, there are other things in this emergency spending bill, as there were in Republican bills in the past, drafted by the White House, passed by the Republican House and Senate. There is other crucial emergency spending that needs to be dealt with: \$1.3 billion for Katrina relief, \$100 million for FEMA and emergency management performance grants, \$425 million for securing rural schools, \$13 million for mine safety. We have seen some of the most dangerous times in our Nation's mines in the last couple of years. There is \$625 million for pandemic flu response, something public health authorities warn us about every week or so here. There is \$400 million for LIHEAP to take care of deserving elderly and indigent who simply cannot afford their heating and cooling bills and another

\$683 million for emergency relief grants—all that this Congress needs to do.

The President has set our Nation on a path that leads in the wrong direction in Iraq and fails to meet the needs of our returning veterans. It is time to change paths. I ask again that the President of the United States read this bill, understand this bill, and understand how the supplemental bill addresses the needs our country faces in the years ahead.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

SEPARATION OF POWERS

Mr. CARPER. Madam President, the Founders of our country did not believe in monarchy. They put up with one king for a while and didn't want to have to put up with another one down the line. Meeting in Philadelphia about 220 years ago, about 30 miles from my home in Wilmington, DE, our Founding Fathers did not invest all power over national affairs in our national destiny in the hands of any one person. Rather, they created a separation of powers. They created, as we all know, three co-equal branches of Government.

I don't sit down every day or night and actually open the Constitution and read it. But every now and then I think a review of some of it and its parameters is instructive. For those who take the time—particularly looking at the debate we have had in recent days on whether it is appropriate for us to provide some guidance and expression with respect to the expenditure of these moneys in the supplemental appropriations, especially in Iraq—it is helpful to look at the Constitution and get a sense of what our Founding Fathers had in mind.

In looking at article II in this copy of the Constitution, section 2, there is about a sentence where it talks about the power of the President. This is what it says:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

That is what it says. You can go back a couple pages before that to article I, section 8, and our Founding Fathers talk about the powers and responsibilities of the legislative branch in this regard. Here is what it says, in part:

The Congress shall have the power To . . .

Then there are all kinds of things listed, such as lay and collect taxes, borrow money, regulate commerce, and so forth, with foreign nations. It also says the Congress shall have the power: