

million for south Texas students and has become the premier scholarship foundation in south Texas.

Mr. Speaker, this successful scholarship program has doubled the number of students who can have access to higher education. Joe, Jr. and his wife, Derrelene, have seven children and 26 grandchildren and consider their close-knit family their greatest asset. Joe is one of the hardest working entrepreneurs in south Texas. He is honest and a man of integrity, and I am proud to call him my friend. He truly deserves to be the Border Texan of the Year.

I urge my colleagues to join me in commending Joe LaMantia, Jr. for his tireless efforts on behalf of children and in congratulating him on receiving this prestigious award.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak in the gentleman from Iowa's (Mr. KING) stead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### ENDING MERCURY POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, the Congress and the President are preparing for a major debate on reducing air pollution. In this debate, partisans for and against greater environmental protection are both right. And they are both wrong.

The environmental community is correct in highlighting the growing danger of mercury pollution. Once considered an "average" pollutant, the EPA's Children Health Protection Advisory Committee warned last month that mercury is a powerful neurotoxin that accumulates in humans. Just one-twenty-fifth of a teaspoon of mercury can contaminate a 25-acre lake. Blood tested from Illinois pregnant women showed that they averaged 14 times the naturally occurring level of mercury in their blood.

Coal-burning power plants that have not yet been required to reduce their mercury emissions are the major source of this pollution. The Federal Government already requires all municipal incinerators and other sources of air pollution to scrub their emissions to remove most mercury. Raw po-

litical power and threatened litigation have delayed such requirements for coal-fired plants.

Enough of the delays. We need to clean up mercury pollution today. In eastern States, downwind from the rest of the Nation, mercury levels in the water are rising. The National Wildlife Federation recently released a study showing that the rainwater falling on suburban Chicago communities contained three times the naturally occurring level of mercury. With higher levels of mercury poisoning than other regions of the country, New England and the Great Lakes are becoming mercury "hot spots." This poses a threat to the Great Lakes, a critical ecosystem that is the source of drinking water for over 20 million Americans.

The scientific debate about the danger of mercury poisoning is now over. The real question is, how quickly can we reduce such pollution? When the Clean Air Act was written, there was little thought to how best to control pollution. The act imposed a rigid set of 1970s controls on each source of pollution, with many opportunities for polluters to challenge any action by the government in court. The worst example of what followed is the Federal Superfund cleanup program. Today, over half of all Superfund environmental cleanup dollars have been spent paying lawyers and not protecting the environment.

There is a better method. In the 1980s, the program to reduce acid rain was based not on endless court litigation, but on a system of tradeable credits that restrict the total output of pollution in a way that is more flexible than the litigious old regulatory system. The acid rain pollution credit trading system is a great success, leading to more environmental cleanup and less courtroom cost. This system cuts acid rain pollution in a way that is faster and cheaper than the old regulatory approach. President Bush proposes using such a system based on acid rain to also reduce mercury pollution. His approach could be effective but needs two major amendments by environmentalists here in the Congress.

First, the President's proposal allows more mercury pollution under a trading system than the old regulatory approach. Trading credits can be allowed but Congress must reduce the supply of tradeable credits to dramatically cut mercury pollution to levels at or below which would have been allowed under the old system.

Second, a flexible system also carries a danger for areas already contaminated with mercury. If credits to emit mercury can be purchased in an already polluted area, a trading system could worsen mercury hot spots that already exist. Congress should clearly define mercury hot spots, and we should allow emissions credits to be sent outside such a zone but not to be purchased to contaminate inside.

These two changes, restricting the supply of mercury emissions credits

and higher environmental protection for mercury hot spot zones, could make a program modeled after the acid rain program work to reduce mercury pollution in our country. This is the kind of bipartisan approach that takes the best aspects of both sides to focus taxpayer dollars on cutting pollution rather than killing time in court.

Whatever the outcome of this debate, one thing should be agreed by bipartisan majorities in the Congress: the days of unregulated pollution from coal-burning power plants should be over. Period. The science is now clear and convincing that mercury pollution from such emissions represents a clear and present danger to the mothers and children of North America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

(Mr. TERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak in place of

the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REGARDING JUSTICE SCALIA'S REFUSAL TO RECUSE HIMSELF FROM HEARING CASE CONCERNING THE VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, Supreme Court Justice Antonin Scalia has done something no Democrat and no Republican has been able to do. Justice Scalia has united the country from Maine to California, from Washington to Texas. Even Texas. Here is just a sample of what editorials across America have been saying about Justice Scalia's decision to hear a case involving the Vice President:

Inappropriate. Unethical. Less arrogance, more impartiality. The appearance of impropriety is abusive and extreme. It taints the very essence of justice. Scalia's refusal to recuse himself let the sour tinge of politics ooze into the High Court's chambers. He's ducking the law.

In America, Mr. Speaker, Lady Justice is blind for a reason. Equal justice for all is a fundamental right of this country. Justice Scalia will soon run afoul of this because he decided to hunt fowl with the Vice President.

The facts, sketchy as they are, are these:

In early January, the Justice joined the Vice President aboard Air Force Two. They flew to Louisiana to spend days together in private while duck hunting on a private reserve owned by a local oilman. Nothing new there. The area they hunted in was declared a no-fly zone by the Secret Service and the ducks apparently abided by the Secret Service order. The trip followed a Supreme Court decision to hear an important case involving the Vice President. The case involves the right of the public to pierce the veil of private meetings the Vice President held with Big Oil and Big Business in public buildings to chart a public energy policy which has led us into two invasions, two occupations. There are huge issues at stake and the Nation must know that the Supreme Court will hear the case impartially.

If Justice Scalia does not remove himself from the case, the entire process will be forever tainted. Here is what the law says:

"Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

How could any rational person not question Justice Scalia's impartiality if he hears this case? His public re-

sponse to date has been a mockery of the serious concerns expressed across the country. "Quack-quack" is how the Justice ended one answer in public at Amherst College. I kid you not. "Quack-quack," from a Justice of the Supreme Court. Perhaps in the future the fierce competition by law graduates to clerk in the highest court will include an audition for bird and duck calls. The Supreme Court decides the fate of lives and the course of our Nation for generations to come. Justice Scalia cannot let thoughtful, respectful concerns expressed by smart, independent voices across the country roll off his back like water off a duck.

This issue concerns not just Justice Scalia; but it goes to the honesty, integrity, ethics, and impartiality of the highest court. The stakes are too high and the right course of action too obvious for him to ignore.

Chief Justice Charles Evans Hughes as he was laying the cornerstone of the Supreme Court Building said: "The Republic endures and this is the symbol of its faith."

Justice Scalia defends America best by defending equal justice under the law. Justice Scalia must remove himself from this case for the good of the Court and for the good of the country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

COMMENDING AN AMERICAN WAR HERO FROM INDIANAPOLIS, INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, it is with great pride that I rise today to recognize an extraordinary young man who is an American war hero of Iraq and a fellow Hoosier, Specialist Dwayne Anthony Turner of the Third Battalion, 502nd Infantry Regiment, 101st Airborne Division. Specialist Dwayne Anthony Turner, an Army medic from Indianapolis, was awarded the Silver Star for demonstrating exceptional bravery, self-sacrifice and resolute fearlessness during a grenade and arms attack on April 13, 2003.

American soldiers were caught off guard when the attack began on a crowded street 30 miles south of Baghdad. Specialist Dwayne Anthony Turner was riding in his Humvee when the grenade hit. Bleeding from flying shrapnel that ripped into his legs, Specialist Turner dragged several soldiers to safety and administered aid to others while taking fire. More commonly known as Doc Turner, this young 23-

year-old soldier saved the lives of two comrades and provided aid to 14 others after he was hit by shrapnel and shot a total of three times in the leg and arm. He did not cease assisting injured soldiers until he lost a significant amount of blood and was administered morphine. Specialist Dwayne Anthony Turner is the first soldier from the Fort Campbell-based 101st to receive the Silver Star for valor.

I would like to recognize Specialist Turner for his remarkable fortitude, courageousness, his spirit and selfless determination and would certainly ask the House of Representatives to join me in honoring this notable American war hero from my district.

Specialist Turner agreed to 4 years but was arbitrarily extended, Mr. Speaker, to 5 years.

Mr. Speaker, we would think that the United States of America, that the White House, that the Department of the Army would give Specialist Turner a standing ovation for the outstanding contribution that he made as an American, as a soldier and as a hero in Iraq. But not so. Mr. Speaker, upon Specialist Turner's return to Fort Campbell, understandably he consumed alcohol excessively, incurred intense and immense emotional trauma. His behavior became erratic. Instead of addressing what obviously is post-traumatic stress, the Army busted him down to a private, kicked him out of service, did not give him mustering-out pay, which ultimately caused this dear Army soldier to become homeless, notwithstanding the kind of contributions that he has made to a better America and what we were believing to be a better Iraq.

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I would like specifically to call this incredible, awful situation in terms of Specialist Turner's fate, in private, now nothing, the Army soldier, used to be soldier, to the attention of the White House. We often say that we support our troops. We get criticized when we do not support Iraq and the money that goes into Iraq, and I would ask the President and all of his soldiers there on Pennsylvania Avenue and those who are responsible for this incredible inhumane act against an individual who has done so much for this country to counteract, to reverse the vicious act that has been administered against him since he has been in this country by the United States Government. Make him whole, give him his mustering-out pay, and let the record show that he was, in fact, a specialist and not a private, a specialist when he received the honors that he received from the Army.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.