

and dissatisfaction with the structure of the proposed central government.

Despite the rejection of the plan, 90 percent of the Greek Cypriot community turned out to vote on the UN plan, displaying a deep interest and concern in the future of the reunification of their nation and the changes this would bring.

We must learn from the message sent by those who could not support the proposed Plan. The lesson is Cyprus' reunification is too important an issue to rush into a Plan that does not address the serious concerns of all Cypriots.

H.R. 3874

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mrs. DAVIS of California. Mr. Speaker, it has been my pleasure to co-sponsor Representative BONO's bill, H.R. 3874, which will enable the Palm Springs area to benefit from the conveyance of 44 acres of Bureau of Land Management land to Father Joe's Villages for the creation of a homeless shelter, a training center, and affordable housing for this area of Riverside County.

I have had the privilege of knowing Father Joe Carroll for many years in San Diego, where he has worked tirelessly to develop an extensive program of services for the homeless of all ages through the St. Vincent De Paul Village.

Often identified by the community for its Kitchen, which serves 4,000 meals a day, the center goes way beyond providing the homeless with food to offering dental, vision, and other health services. It also provides high school equivalency and computer training.

Helping the homeless find jobs not only includes coaching in job hunting skills and providing interview attire but begins with coordinating on-site psychiatric services to address some of the underlying needs of village members through volunteer professionals from the University of California San Diego.

The Center also provides for the 24-hour care of some 200 orphaned children, which includes meeting not only their food, clothing, housing, and health needs but also houses their public schooling.

The village offers courses in parenting, anger management, and counseling for unmarried couples with children as well as prenatal care. In sum, it invests in offering needy people full-life services both intensively and for an extended time to help them turn their lives around.

I know that with the decades of Father Joe Carroll's successful experience in San Diego, this opportunity to create a new service base in Palm Springs will be beneficial for the community.

TAXES AND THE ECONOMY, CUT
ONE, GROW THE OTHER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BOEHLERT. Mr. Speaker, high tax rates and complex tax codes stifle job growth. A fair

and simple tax code should only provide enough revenue for the federal government to carry out its necessary tasks. It should not restrict the innovative and entrepreneurial opportunities that made America such a great nation.

The last thing the federal government should be doing is taking more money away from hard-working Americans. The key to growing our economy is allowing Americans to keep more of their own money to spend, save, and invest. Jobs is my favorite four letter word—and the tax cuts we've passed have been responsible for creating millions of new jobs across the nation.

In the House, we have worked hard to cut taxes. We have passed legislation to permanently eliminate the marriage penalty tax, extend Alternative Minimum Tax reforms, permanently expand the 10 percent bracket to lower taxes for hard working, low income families, and keep the child tax credit at the \$1,000. That's real tax relief.

Our American Jobs Creation Act of 2004, provides tax relief to domestic manufacturers and U.S. employers to make them more competitive both at home and abroad.

We must also strengthen the economy by reforming our tax code. The overly complex U.S. tax code is more than a burden to working families; it's a drain on our economic efficiency and productivity. American taxpayers spend over three billion hours each year complying with a confusing U.S. tax code. The cost to our economy by complying with the tax code is a staggering \$85 billion a year. That's unacceptable.

This week we passed legislation to relieve families and small businesses of onerous and complicated tax compliance. I will continue to vote for tax relief and tax reform. Tax cuts and tax reforms are a powerful economic stimulus creating new jobs; reducing the cost of doing business; and providing a framework for long-term economic growth.

CORRECTING THE RECORD REGARDING UNFOUNDED ATTACKS ON FDA GENERAL COUNSEL

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. BARTON of Texas. Mr. Speaker, on Tuesday, July 13, 2004, on the floor of this House, Representative HINCHEY of New York made several statements about Daniel E. Troy, Chief Counsel of the FDA.

Allegations were leveled against Mr. Troy that he took unprecedented action regarding the FDA's involvement in the submission of briefs in product liability cases. His actions were neither unprecedented nor unusual. In a letter dated July 15, 2004, to Chairman BONILLA, five former FDA chief counsels—two of them Democrats—state, Mr. Troy's actions in this regard are neither "radical" nor "even novel."

The FDA must have the ability to carry out the responsibilities Congress has given the Agency. His interest in those cases is to vindicate FDA's authority over medical product risk communication and to safeguard the agency's primary jurisdiction. As Chief Counsel for the FDA, Mr. Troy appears to have acted com-

pletely within the scope of his duties and obligations. In order to address the allegation that Mr. Troy acted inappropriately, I would like to submit a copy of that letter for the RECORD.

JULY 15, 2004.

Re Hinchey amendment to cut \$500,000 from the appropriations for the FDA Office of Chief Counsel.

Hon. HENRY BONILLA,

Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned comprise all of the former Chief Counsel to the Food and Drug Administration (in both Republican and Democratic Administrations), except for one who is currently an attorney in the Office of the General Counsel of the Department of Health and Human Services. We are writing to recommend reconsideration of the amendment to the FDA appropriations bill by Representative Hinchey of New York on the floor of the House of Representatives, which would reduce the appropriation for the FDA Office of Chief Counsel by \$500,000 and would increase the appropriation for the Division of Drug Marketing, Advertising, and Communications in the FDA Center for Drug Evaluation and Research by a corresponding amount. We support additional funds for the Division of Drug Marketing, but we believe that the reduction of the appropriation for the Office of Chief Counsel and Representative Hinchey's reasons for penalizing that Office cannot be supported.

FDA's Office of Chief Counsel performs critical functions in the administration and enforcement of the Federal Food, Drug, and Cosmetic Act and other laws administered by FDA. The substantial reduction in the funding of that Office, therefore, would materially impair its ability to meet the needs of its client, FDA. Such impairment would be contrary to the public interest.

Representative Hinchey's reasons for penalizing the Office of Chief Counsel and criticizing FDA Chief Counsel Daniel E. Troy are set forth in the House Debate on the FDA appropriations legislation as reported in 150 Cong. Rec. H5598-TI5599 (July 13, 2004). Representative Hinchey states that Mr. Troy "has taken the agency in a radical new direction" by submitting amicus curiae briefs in cases in which courts have been asked to require labeling for pharmaceutical products that conflicts with FDA decisions about appropriate labeling for those products. Representative Hinchey characterizes this activity as a "pattern of collusion between the FDA and the drug companies and medical device companies" in a way that has "never happened before."

These characterizations are inaccurate. In *Weinberger v. Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973), the Supreme Court agreed with the briefs filed by the Department of Justice on behalf of FDA that the agency has primary jurisdiction over new drug issues. In *Jones v. Rath Packing Co.*, 425 U.S. 933 (1977), the FDA took the position in an amicus curiae brief submitted by the Department of Justice that federal food labeling requirements preempt inconsistent state requirements, and the Supreme Court agreed. In subsequent private tort litigation, FDA has taken the position, through amicus curiae briefs filed by the Department of Justice, that FDA decisions regarding drug product labeling and related issues preempt inconsistent state court determinations, and the courts have agreed. E.g., *Bernhardt v. Pfizer, Inc.*, 2000 U.S. Dist. Lexis 16963 (November 16, 2000); *Eli Lilly v. Marshall*, 850 S.W. 2d 164 (Texas 1993). All of this was to