

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

protect a uniform national system of food and drug law. All of it occurred before Mr. Troy assumed his current position. In none of these cases did any court request FDA's opinion. Thus, there is ample precedent for the actions that Mr. Troy has recently been undertaking. His action is not radical or even novel.

The amicus curiae briefs filed by the Department of Justice at the request of Mr. Troy protect FDA's jurisdiction and the integrity of the federal regulatory process. There is a greater need for FDA intervention today because plaintiffs in courts are intruding more heavily on FDA's primary jurisdiction than ever before. In our judgment, Mr. Troy's actions are in the best interests of the consuming public and FDA. If every state judge and jury could fashion their own labeling requirements for drugs and medical devices, there would be regulatory chaos for these two industries that are so vital to the public health, and FDA's ability to advance the public health by allocating scarce space in product labeling to the most important information would be seriously eroded. By assuring FDA's primary jurisdiction over these matters, Mr. Troy is establishing a sound policy of national decisions that promote the public health and, thus, the public interest.

We therefore recommend that the \$500,000 cut from the appropriations for the FDA Office of Chief Counsel be restored.

Sincerely yours,

PETER BARTON HUTT (1972–1975).

RICHARD A. MERRILL (1975–1977).

RICHARD M. COOPER (1977–1979).

NANCY L. BUC (1980–1981).

THOMAS SCARLETT (1981–1989).

THE ISSUE OF BONUS DEPRECIATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. WELLER. Mr. Speaker, thank you for the opportunity to address an important issue. Over the past 2–3 years, the issue of bonus depreciation has been very important to American companies and American workers as our economy recovers from the recent recession.

On March 9, 2002, President Bush signed the Job Creation and Worker Assistance Act of 2002 into law. This law allows businesses to accelerate the depreciation of equipment they purchase between September 11, 2001 and December 31, 2004. They get to accelerate 30 percent more in the first year. Before this law, a \$1,000 computer would be depreciated equally over 5 years. \$200 each year. With this change, businesses get \$200 in the first year, plus a 30 percent bonus. So, they depreciate \$500 in the first year and the remaining \$500 over the next four years (\$125 each year for four years). In 2003, President Bush signed legislation to increase the 30 percent bonus depreciation to 50 percent. There is evidence that bonus depreciation is helping to drive the U.S. economic recovery.

Fifty percent bonus depreciation will expire on December 31, 2004. I personally will continue working to try to extend this important provision. For some industries, such small aircraft manufacturers, this provision will expire

much sooner than December 2004. Because of the relatively long period of time it takes to build these airplanes, many manufacturers cannot promise delivery by the end of this year. Because of this, new orders are drying up.

Why is this important? Well, building new airplanes requires workers. Increased orders requires increased workers. In May 2004, Cessna announced they would be hiring back 400 workers to meet increased demand.

Both the House and Senate versions of the JOBS bill includes a provision extending the period for placing in service certain non-commercial business aircraft. Under the provision, if such an aircraft is ordered in 2004 and certain additional requirements are met, then a taxpayer would have until the end of 2005 to place the aircraft in service.

I believe it is important that Congress enact this provision, either in the JOBS bill or through another vehicle, as soon as possible. I look forward to working with my colleagues to help make this happen.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. DINGELL. Mr. Speaker, I am pleased to be introducing this legislation with Chairman BARTON that will protect more than \$1 billion in State Children's Health Insurance Program (SCHIP) funding. This funding is scheduled to revert to the Treasury on September 30 if Congress does not act.

The SCHIP program was established in 1997 to reduce the number of uninsured children. Since its inception, the program has been a great success. Last year, 5.8 million children were enrolled.

As a result of this success, however, a number of States are projected to have insufficient federal funding to sustain their existing programs over the next several years. Unless Congress acts, more than 200,000 children could lose their health insurance coverage as a result.

The solution Chairman BARTON and I are proposing has the support of the National Governors Association, along with a number of advocacy groups representing the concerns of children.

I look forward to working together to enact this legislation when we return in September.

ICE AGE FLOODS NATIONAL GEOLOGICAL TRAIL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. HASTINGS of Washington. Mr. Speaker, today I am introducing legislation to create the Ice Age Floods National Geological Trail.

At the end of the Ice Age, 12,000–17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States. These floods left dramatic and distinguishing features on the landscape

throughout Montana, Idaho, Washington, and Oregon.

In 2001, a joint study team headed by the National Park Service, that included 70 members from public and private entities, completed a study endorsing the establishment of the Ice Age Floods National Geological Trail to recognize the national significance of this phenomenon and to coordinate public and private sector entities in the presentation of the story of the Ice Age Floods.

The Ice Age Floods National Geological Trail would reveal, to the public, a fascinating story that spans across the Pacific Northwest. Regional, national, and international travelers would have the opportunity to discover how immensely powerful cataclysmic floods had a profound effect in shaping distinctive landscapes and in defining ways of life, from the flanks of the Rocky Mountains to the Pacific Ocean.

The Trail can be expected to generate significant economic benefit, through increased tourism, in a vast and largely rural region. I ask you to refer this legislation to the appropriate committee for consideration.

CONGRATULATING THE NATIONAL ENVIRONMENTAL SERVICES CENTER (NESC) ON ITS SILVER ANNIVERSARY

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2004

Mr. MOLLOHAN. Mr. Speaker, a milestone anniversary is being celebrated this month at West Virginia University, in my Congressional District. Twenty-five years ago, the National Small Flows Clearinghouse first opened its doors. It was established by Professors Willem Van Eck and Raul Zaltzman, who wanted to help smaller communities find the best technologies to meet their water treatment needs.

Today, the Small Flows Clearinghouse is a highly successful program of the National Environmental Services Center (NESC). Since 1979, this organization has evolved into a national leader in combating pollution and assisting small communities on water issues. NESC is an expert resource not only on wastewater, but also drinking water, environmental training, infrastructure security and utility management. From its offices in Morgantown, NESC helps to protect public health and the environment in communities all across the country.

The organization will celebrate its 25th anniversary with an open house on July 26 at the university's Evansdale Campus. In marking the occasion, Mr. Speaker, I would like to offer my congratulations to President David Hardesty, Vice President for Research and Economic Development John Weete, and the NESC team: Executive Director John Mori, Director of Program Development Pam Schade and the entire staff, both past and present.

Their commitment to the health of our people and communities has achieved real results, and I wish them the very best as they begin NESC's next quarter-century of service.