

school and Northeastern University study found that only 355 punitive damage awards were granted in product liability cases between 1965 and 1990. Only 20 percent of those 355 cases were affirmed on appeal. The research also shows that the vast majority of companies subject to punitive damages awards between 1965 and 1990 took some post-litigation steps to make their products safer. Without punitive damages many products would simply be more dangerous. Clearly, the current system of checks and balances system is working.

H.R. 956 will have a devastating impact on the children and elderly of this Nation. The limitation of damages awards places children and elderly at an especially significant disadvantage. Since compensatory damage awards are based solely on economic loss, these individuals can prove few tangible economic damages because they generally do not work, or work for small salaries, and would therefore not receive nearly as much compensation as the rich, who bring home big paychecks. This result would be fundamentally unfair to thousands of Americans, and would constitute an extreme injustice to the youth and elderly of our Nation.

I hope that no one in this House would want to increase the risk of disease, injury, and premature deaths caused by exposure to dangerous products. But that is exactly what H.R. 956 would do. This bill, in concert with H.R. 988, the Attorney Accountability Act of 1995, would slam the doors of the courthouses of this Nation in the faces of the American public. In my 27 years in congress I have seen few more obnoxious measures, that so cruelly and unfairly places a substantial burden on the American public.

This bill will also compromise citizen and worker safety. Last year, over 10,000 American workers died in the workplace. Another 70,000 were permanently disabled, and more than 100,000 contracted fatal occupational illnesses. H.R. 956 will greatly inhibit our citizens' ability to protect themselves from unsafe products, dangerous working conditions and avoidable disasters. I cannot in good conscience endanger American workers by supporting this bill.

In addition to endangering the health and lives of Americans, approval of H.R. 956 would not result in additional enhancement in competitiveness or innovation. The differences between the U.S. product liability system and the legal systems in other countries do not provide foreign manufactures with a competitive advantage. All companies are subject to the liability laws of the country where a product is sold or where the injury is incurred. Therefore, there is no significant harmful effect on American competitiveness as a result of the American products liability system.

Contrary to representations of proponents of H.R. 956, no real evidence has ever been presented that supports the claim that products liability laws have a chilling effect on business innovation. In fact, the current products liability system enhances innovation by providing a significant incentive for companies to develop safe products.

Mr. Speaker, this legislation is unprecedented in its scope and cynicism. Few areas of State and Federal products liability litigation will be unaffected by this measure, yet, with very little opportunity for open hearing, and with severely limited debate, this act has been

placed before us. The rule under which this bill has come before us is so draconian that many members with reasonable and bipartisan amendments will not be heard. A measure of this kind requires detailed analysis of the impact it may have on the American people, but no such review has or will take place. In the current rush to force this bill to the floor of this House, the will of the American people will certainly be compromised.

Furthermore, this legislation would remove from the wise discretion of State and local governments the determination of how to handle products liability litigation. My colleagues on the other side of the aisle have often claimed that they favor retracting the tentacles of the Federal Government from local people, who best know and understand the issues they face. Yet, this bill flies in the face of this often touted Republican ethic. H.R. 956 strips from local communities the ability to establish products liability standards. This modification of the products liability laws by Federal mandate is unjustified, ill-advised and will lead to injustice for working and middle-class Americans.

Mr. Speaker, it is my belief that H.R. 956 and the circumstances under which it is presented in this house is an attempt to mislead the American people to believe that meat cleaver, simplistic solutions will end the fictional "avalanche of litigation" so often mentioned by supporters of this bill. As the facts have shown, evidence clearly establishes that this bill has been pushed on us all under tragically false premises.

As our Nation faces an epidemic of joblessness, poverty, and economic troubles, the solution to these problems will not be found in quick fixes like H.R. 956. The American people elected us to act in their best interest, not compromise their welfare because congress does not have the will to permit Americans to protect themselves from dangerous products. I urge my colleagues to vote against this bill.

#### DADE COUNTY'S OUTSTANDING WOMEN HONORED

#### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 14, 1995*

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join with the city of Miami Commission on the Status of Women in recognizing the achievements of eight talented women who are among Miami's most outstanding leaders.

The women to be honored this year are as inspiring as they are dedicated. They are outstanding women who make major contributions to our community every day but seldom make the evening news. They come from every part of our community, yet they share a common bond—service.

This year's honorees are:

Mercee Woods Adderly, Model City volunteer par excellence, who helps to provide our youth with sound guidance and assist Haitian adults in making the adjustment to the United States;

Maria Elena Dellutri has worked with physical and mentally challenged individuals and poor children throughout Dade County;

Detective Therese Homer is a pioneer in domestic violence awareness and victim awareness intervention programs;

Sallye E. Jude, a leader in historic preservation including the revitalization of the Miami River area;

Joann Monroe, an advocate for children's education and welfare through Head Start Programs;

Rosalie B. Pincus, a caring and devoted high school counselor who teaches to touch a life, not just to make a living;

Suzette S. Pope, an extraordinary volunteer who has been a long-standing and faithful volunteer in service to the elderly;

Dr. Majorie P. Wessel has waged many battles against discrimination to bring about sports equity for girls and women.

Mr. Speaker, this event is a celebration of unity in diversity and provides an opportunity for women in Miami from all generations, racial and ethnic groups, socioeconomic levels and occupations to get together, exchange ideas, and share their vision and experience.

I am happy to join with our entire community in recognizing this year's honorees.

#### REMEMBERING TIM SULLIVAN

SPEECH OF

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 13, 1995*

Mr. PALLONE. Mr. Speaker, thousands of people in Monmouth, Ocean, and Middlesex Counties, New Jersey, were helped over the years by a dedicated public servant whose name most never knew. This public servant worked tirelessly and without personal gain or recognition assisting veterans, Social Security beneficiaries, students, and others on critical personal problems. He helped mayors and councilmen fix bridges, dredge waterways, and restore downtown areas so that men and women could work and the Jersey Shore could prosper.

Timothy F. Sullivan, this public servant in the truest sense, died Saturday of a heart attack. For 17 years, from 1965 to 1982, he was administrative assistant to Representative James J. Howard, former chairman of the House Public Works and Transportation Committee.

When Jim Howard, my distinguished and accomplished predecessor, won an uphill battle for Congress in 1964, he had the good judgment to ask Tim, his good friend, fellow teacher, and campaign advisor, to come to Washington as his chief aide.

Because Democrats were rarely elected in that old Third Congressional District on any level, Jim Howard's prospects for reelection were less than bright. But Jim and Marlene Howard had been eager to take the risk and their enthusiasm was catching.

Tim and his wife, Marilyn, pulled up stakes with six young children. Tim quit his job and came to Washington to begin his long career as a trusted advisor and manager, taking the heat over the years when necessary but not claiming the credit when it was his due. He kept Jim Howard's office on an even keel through tough elections and crises in the district like life-threatening coastal hurricanes and

proposals to shut down Fort Monmouth and put thousands out of work.

Through it all, he helped Jim Howard develop a reputation for excellent constituent service. Tim had a right to be proud in the early eighties when the New York Times cited a poll taken of New Jersey staffers and Members of Congress in which Jim Howard's office operation was voted the best in the New Jersey congressional delegation.

Many of my colleagues and their staffs will remember Tim as I do, a warm and compassionate person with a dry Irish wit that earned him many friends and the love of his staff. He was often a help to me as I was starting my legislative career and I drew upon his wealth of wisdom and experience when I had the opportunity.

To Marilyn, his wife of 50 years, his 6 children and 10 grandchildren, I send my deepest condolences for a very great loss.

## INTRODUCTION OF THE STUDENT LOAN AFFORDABILITY ACT OF 1995

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 14, 1995*

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to announce the introduction of the Student Loan Affordability Act of 1995. Many of my colleagues already agree that the best way to ensure the future prosperity of America is to empower our students to meet the demand for the high skill high wage jobs of the 21st century. Post-secondary education is an essential component in developing the skills necessary to be competitive in today's global markets. Unfortunately, with the costs of post-secondary education dramatically rising the number of middle class families who can afford to send their children to college is falling.

The Student Loan Affordability Act will offer middle income families the relief they need, and empower them to engage in the most important of tasks: sending their children off to college. The proposal will establish a tax deduction for the interest payments on student loans, just like that provided for interest on mortgages. As a result of this legislation, students and their families will be able to reduce the costs of their education.

Mr. Speaker, I sincerely hope that this bill is supported by my colleagues on both sides of the aisle. The education of our students should not be a battleground for partisan politics but a source of pride and consensus that we may all support. We must invest in our children's education today if we are going to be competitive in international markets tomorrow.

I encourage all my colleagues to support this legislation.

Mr. Speaker, I ask that a copy of the legislation be printed in the RECORD.

*H.R. —*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Affordability Act of 1995".

#### SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

##### "SEC. 220. INTEREST ON STUDENT LOANS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction an amount equal to the interest on qualified higher education loans paid by the taxpayer during the taxable year.

"(b) QUALIFIED HIGHER EDUCATION LOAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified higher education loan' means a loan which—

"(A) is made to a student to meet the student's cost of attendance at an institution of higher education;

"(B)(i) is made, insured, or guaranteed by the Federal Government;

"(ii) is made by a State or a political subdivision of a State;

"(iii) is made from the proceeds of a qualified student loan bond under section 144(b); or

"(iv) is made by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))); and

"(C) in combination with all other financial assistance awarded to (or on behalf of) such student to meet such cost of attendance, does not exceed such cost of attendance for the academic year for which such loan is made.

"(2) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given such term by section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l).

"(3) INSTITUTION OF HIGHER EDUCATION.—Unless stated otherwise, the term 'institution of higher education' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), and

"(b) is eligible to participate in programs under title IV of such Act.

"(c) NO DOUBLE BENEFIT.—No deduction shall be allowed under subsection (a) for interest on qualified higher education loans with respect to which a deduction is allowed under any other provision of this chapter.

"(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring record-keeping and information reporting."

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (15) the following new paragraph:

"(16) INTEREST ON STUDENT LOANS.—The deduction allowed by section 220."

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 220 and inserting:

"Sec. 220. Interest on student loans.

"Sec. 221. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

## TRIBUTE TO ROGER E. PETERSON

### HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 14, 1995*

Mr. FAWELL. Mr. Speaker, I rise today to commend Mr. Roger E. Peterson, chief execu-

tive officer of Ace Hardware Corp. Ace Hardware is a dealer-owner cooperative founded in Chicago in 1924 and has its corporate headquarters located in Oak Brook, IL. Roger has announced his retirement effective May 31, 1995.

Under Roger's leadership Ace reached more than \$2.3 billion in sales to its 5,000 independently-owned stores in all 50 States and 55 countries and territories in 1994. I am pleased to add over \$205 million of those sales were accounted for by almost 400 Ace retailers in Illinois.

These retailers characterize what Roger, the State of Illinois, and Ace are all about: excellence, leadership, friendliness, team work, family orientation, and striving to always be the best they can be.

Roger began his career with Montgomery Ward after graduating from the University of Miami (Florida) in 1960. Prior to joining Ace, Roger was also executive vice president and general manager of C/P Products Corporation in Elkart, IN. His other experience includes various management positions with the J.C. Penney and Ben Franklin, Division of City Products Corporation.

Mr. Speaker, Roger joined Ace in September, 1976, as national distribution manager. In 1983, he was promoted to vice president of operations with additional responsibilities for traffic, labor relations, corporate security, and physical distribution center planning, including site selection negotiations.

Within 2 years, Roger was appointed executive vice president, and on August 5, 1986, he became president of Ace. In January, 1990, Roger was given the additional title CEO by the Ace board of directors. He has served longer as president than all but the legendary Richard C. Hesse who reigned for 44 years.

Under Roger's leadership, Ace's distribution system expanded from 5 distribution facilities in 1976 to the current total of 14. One of these facilities, at 1.1 million square feet, is the largest in the industry.

The Ace Hardware Corporation's Ace 2000 program and its accelerated version, the New Age of Ace initiated under Roger's leadership, has an objective of making Ace Hardware, Home Center, and LBM retailers the premier hardlines retailers in the industry by the year 2000.

Clearly Mr. Speaker, Roger defines Ace's corporate mission as being a total " \* \* \* retail support company \* \* \* providing independent Ace dealers with quality products, programs, and services. We exist to serve the Ace dealer and we know that Ace's success is based on the success of that independent Ace dealer," stated Roger.

He has worked diligently, not only for Ace, but for the hardware industry as well, as illustrated by the leadership award presented to him at the International Hardware Dealers Association convention in March, 1994. Roger personifies that true leadership is making people better than they ever thought they could be.

Mr. Speaker, Roger's management style, philosophy and leadership are paying huge dividends today and will continue to do so for years to come. After many years of distinguished and superior service to the Ace hardware Corp., I wish Roger all the accolades he so rightfully deserves. May his years of retirement bring Roger all the best with his wife,