

as pain and suffering, so a small defendant is not forced to pay for harm he did not cause. Under the current joint and several liability, small businesses, when found liable with other defendants, may be forced to pay a disproportionate amount of the damages if they are found to have "deep pockets" relative to the other responsible parties. For example, a small business who was found responsible for only 10 percent of the harm may have to pay half, two-thirds, or even all of the damages if his co-defendants cannot pay. Again, without altering a small business's joint and several liability for economic damages, such as medical expenses, the Small Business Liability Reform Act provides that small businesses are responsible for only the portion of the non-economic damages they caused. Thus, the bill partially relieves a situation where a small business is left holding the bag with respect to injuries it did not inflict.

Third and finally, our bill addresses some of the iniquities facing non-manufacturing product sellers. Currently, a person who had nothing to do with a defective and harmful product other than selling it can be sued along with the manufacturer. Under the reforms in the Small Business Liability Reform Act, a product seller can only be held liable for harms caused by his own negligence, intentional wrongdoing, or breach of his own warranty.

This bill provides much needed protection and relief to both small business owners and consumers. By making our legal system reasonable and fair to small businesses, we will remove one of the greatest barriers to the market, the threat of crippling, excessive lawsuits, that prevent entrepreneurs from starting a small business. That means increased competition, better goods, and more jobs at a time when the health of America's economy and job market appear uncertain. And by injecting common sense into these laws, we will remove the excessive litigation costs that drive up the cost of goods and services for all Americans. The Small Business Liability Reform Act is a win for America's entrepreneurs, consumers, and workers, and it is my hope that the Senate will enact this bipartisan bill. Finally, I would ask unanimous consent that letters in support of this bill from the National Federation of Independent Business and the Small Business Legal Reform Coalition be placed in the RECORD.

SMALL BUSINESS  
LEGAL REFORM COALITION,  
May 10, 2001.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the Small Business Legal Reform Coalition, we are writing to applaud your sponsorship of the Small Business Liability Reform Act of 2001 and express our strong support for its passage. We commend you for your efforts to

restore common sense to our civil justice system—one that takes a particularly heavy toll on the smallest of America's businesses.

The frequency and high cost of litigation is a matter of growing concern to small businesses across the country. Today's civil justice system presents a significant disincentive to business start-ups and continued operations. If sued, business owners know they have to choose between a long and costly trial or an expensive settlement. Business owners across the nation risk losing their livelihood, their employees and their future every time they are confronted with an unnecessary lawsuit.

This legislation would make two reforms that have topped the small business community's agenda for years: cap punitive damages and abolish joint liability for non-economic damages for those with fewer than 25 employees. These reforms have been among the recommendations of the White House Conference on Small Business since the early 1980s—and the time has come to protect the smallest of small businesses from excessive damage awards and frivolous suits.

This bill would also hold non-manufacturing product sellers liable in product liability cases when their own wrongful conduct is responsible for the harm and thus reduce the exposure of innocent product sellers, lessors and renters to lawsuits when they are simply present in a product's chain of distribution or solely due to product ownership. Should the manufacturer be judgment-proof, the product seller would be responsible for any damage award, ensuring that deserving claimants recover fully for their injuries.

In the end, we believe that enactment of the Small Business Liability Reform Act will inject more fairness into the legal system and reduce unnecessary litigation and legal costs. We also believe that it protects the rights of those with legitimate claims. We thank you again for your support of these common sense reforms and look forward to working with you to ensure the success of this important legislation.

American Automotive Leasing Association, American Care Rental Association, American Consulting Engineers, Council, American Insurance Association, American Machine Tool Distributors Association, Associated Builders and Contractors, Associated Equipment Distributors, Automotive Parts and Service Alliance, American Rental Association, Coalition for Uniform Product Liability Law, Citizens for Civil Justice Reform, Equipment Leasing Association, Independent Insurance Agents of America, International Mass Retail Association, International Housewares Association, Motorcycle Industry Council, National Association of Convenience Stores, National Association of Manufacturers, National Association of Plumbing-Heating-Cooling Contractors, National Association of Wholesaler-Distributors, National Federation of Independent Business, National Grocers Association, National Restaurant Association, National Retail Federation, National Small Business United, NPES—Association for Suppliers of Printing, Publishing & Converting Technologies, Painting and Decorating Contractors of America, Plumbing-heating-Cooling Contractors—National Association, Small Business Legislative Council, Society of Independent Gasoline Marketers of America, Specialty Equipment Market

Association, Steel Service Center Institute, Trunk Renting and Leasing Association, and U.S. Chamber of Commerce.

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
Washington DC, May 11, 2001.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I would like to thank you for your sponsorship of the Small Business Liability Reform Act of 2001 and express our strong support for its passage. I commend you for your efforts to restore common sense to our civil justice system—one that takes a particularly heavy toll on the smallest of America's businesses.

The frequency and high cost of litigation is a matter of growing concern to small businesses across the country. Today's civil justice system presents a significant disincentive to business start-ups and continued operations. If sued, business owners know they have to choose between a long and costly trial or an expensive settlement. Business owners across the nation risk losing their livelihood, their employees and their future every time they are confronted with an unnecessary lawsuit.

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Sincerely,

DAN DANNER,  
Senior Vice President,  
Federal Public Policy.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to detail a heinous crime that occurred November 6, 1998 in Seattle, Washington. A gay man was severely beaten with rocks and broken bottles in his neighborhood by a gang of youths shouting "faggot." The victim sustained a broken nose and swollen jaw. When he reported the incident to police two days later, the officer refused to take the report.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### CONFIRMATION OF LARRY D. THOMPSON

Mr. MILLER. Mr. President, I am so pleased that the Senate Judiciary Committee has voted unanimously to confirm Larry D. Thompson as Deputy Attorney General and that the full Senate also has given its unanimous approval to this excellent nominee.

I was honored to be able to present Mr. Thompson to the Senate Judiciary Committee, and I congratulate my longtime friend and fellow Georgian on his confirmation.

I cannot say it more clearly than this: President Bush could not have made a better choice in nominating Larry Thompson as Deputy Attorney General of the United States.

I have had the pleasure to know Larry Thompson for several years. He is the consummate professional: quiet yet strong, a legal scholar who exercises enormous common sense, a man who will put principle ahead of politics every time. He is a man of great substance and little ego. He is not one to grandstand or grab headlines.

Mr. Thompson brings to the Department of Justice a solid record of experience. He has built a reputation as a tough prosecutor, an adept litigator, a respected scholar and a skilled manager.

More importantly than that, Mr. Thompson comes with no agenda. He will base every decision on what is right, not what is popular or politically expedient. He will bring to the Justice Department the same wisdom, the same thoughtfulness, and the same steady demeanor upon which he has built his stellar career.

In short, Larry Thompson is a man of impeccable credentials who will serve the Department of Justice and this Nation very well.

#### NATIONAL POLICE WEEK

Mrs. CARNAHAN. Mr. President, I am proud to take this opportunity to recognize National Police Week 2001 and the immeasurable contributions of our Nation's law enforcement officers.

In both urban and rural communities, these men and women touch the lives of all those around them. Today, I urge all Americans to join together in commemorating the tremendous service and sacrifice of our Nation's law enforcement officers.

We have made great strides since the 1970s, when we lost approximately 220 officers every year through the decade. That figure decreased dramatically in the 1990s to 155 fallen officers each year. Yet, each one of these lives is one too many. And it is with great sorrow that I note that Missouri leads the Nation in losing nine law enforcement officers in the past eleven months. We may take comfort only in recognizing and honoring the ultimate sacrifice that each of these individuals has made to their community, to their State, and to their Nation. We owe these officers and their family an unending debt of gratitude. They will always be remembered.

The efforts of police officers and chiefs, sheriffs, and highway patrol are largely responsible for the seven percent decrease in crime rates over most of the last decade. In return for their valiant courage in protecting our streets, our homes, and our families, we must strive to find measures that will better protect our law enforcement officers. I will join my fellow Senators in looking for ways to ensure that sufficient safeguards are in place. In the meantime, I take this opportunity to express my gratitude to these men and women and their families. God bless these heroes among us.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 11, 2001, the Federal debt stood at \$5,637,839,303,470.87, Five trillion, six hundred thirty-seven billion, eight hundred thirty-nine million, three hundred three thousand, four hundred seventy dollars and eighty-seven cents.

One year ago, May 11, 2000, the Federal debt stood at \$5,666,075,000,000, Five trillion, six hundred sixty-six billion, seventy-five million.

Twenty-five years ago, May 11, 1976, the Federal debt stood at \$599,704,000,000, Five hundred ninety-nine billion, seven hundred four million, which reflects a debt increase of more than \$5 trillion, \$5,038,135,303,470.87, Five trillion, thirty-eight billion, one hundred thirty-five million, three hundred three thousand, four hundred seventy dollars and eighty-seven cents during the past 25 years.

#### TRIBUTE TO JOHN WINTERHOLLER

• Mr. BURNS. Mr. President, although little noticed, a native son of Montana passed away at his home in Lafayette, CA.

John Winterholler, a three-sport Hall of Famer at the University of Wyoming was a survivor of the Bataan death march.

Winterholler was among the inaugural class inducted into the University of Wyoming Athletics Hall of Fame in 1993. He lettered in baseball, basketball, and football from 1936-1939.

Upon graduation in 1940, he accepted a commission as a lieutenant in the United States Marine Corps rather than play professional baseball.

Winterholler served with the 4th Marine Regiment on Bataan and Corregidor in the Philippines and suffered brutal treatment as a Japanese prisoner during World War II.

During captivity, he experienced severe weight loss and was paralyzed from the waist down and near death from malnutrition. He was confined to a wheelchair the rest of his life.

He earned two battlefield decorations, the Silver Star and the Bronze Star with "V" for valor before Corregidor fell, and he subsequently received the Purple Heart and 26 other medals and awards for his service in the United States Marine Corps. He retired with the rank of colonel.

Although he was born in Billings, MT, he grew up just over the 45th parallel which is known as the Montana/Wyoming State line. It was there in Lovell, WY, where he met his future wife, Dessa. They both attended the University of Wyoming and were married in 1945 in his hospital room at Mare Island Naval Base in Vallejo, CA, shortly after his release from the Japanese prison camp.

He is just another American who has given so much for this country and all it stands for. An American that believed in the future of this country so deeply that he gave all that was asked in her defense. I, like many, give thanks every day for what they sacrificed and their dedication.

He is survived by a daughter, Deborah Harms; a son, David; a sister, Lydia Showalter; and three brothers, Henry, Phillip, and Alfred.●

#### IN MEMORY OF EDMUND DELANEY

• Mr. DODD. Mr. President, I rise today to pay tribute to the late Edmund T. Delaney, an accomplished lawyer, lecturer, historian and author, and a man that I felt privileged to consider a friend.

Ed Delaney graduated from Princeton University in 1933 and Harvard Law School in 1936. He was a gifted attorney who practiced law for over 40 years in New York and Connecticut. He was a partner in the New London and Essex firm of Copp, Koletsky and Berall. Ed was a member of the Association of the Bar of the City of New York where he served as Chairman of the Committees on Corporate Law, Law and Medicine,