

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

FOR IMMEDIATE RELEASE
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CIVIL RIGHTS COMPROMISE

REMARKS OF SENATOR BOB DOLE PRIOR TO FINAL PASSAGE OF COMPROMISE CIVIL RIGHTS BILL

FOR NEARLY TWO YEARS, PRESIDENT BUSH HAS CONSISTENTLY EXPRESSED HIS WILLINGNESS TO ACCEPT A FAIR AND RESPONSIBLE CIVIL RIGHTS COMPROMISE.

TODAY, WITH THIS HISTORIC CIVIL RIGHTS AGREEMENT, PRESIDENT BUSH HAS DELIVERED ON HIS PROMISE.

FROM "DAY ONE," PRESIDENT BUSH HAS BEEN LEADING THE CHARGE FOR RESPONSIBLE CIVIL RIGHTS LEGISLATION, NOT THE "GRAB-BAG" APPROACH ADVOCATED BY THE BELTWAY INTEREST GROUPS AND THE LAWYERS' LOBBY.

WHEN THE PATTERSON AND LORANCE CASES WERE FIRST DECIDED IN 1989, THE PRESIDENT IMMEDIATELY PROPOSED REMEDIAL LEGISLATION.

LAST YEAR, THE PRESIDENT TOOK HIS CIVIL RIGHTS COMMITMENT ONE STEP FURTHER BY PROPOSING LEGISLATION OVERTURNING 4 OF THE 1989 SUPREME COURT DECISIONS AND SHIFTING THE BURDEN OF PROOF TO THE EMPLOYER IN DISPARATE IMPACT CASES.

THIS YEAR, THE PRESIDENT'S EFFORTS CULMINATED WITH THE INTRODUCTION OF THE ONLY PENDING CIVIL RIGHTS BILL THAT ESTABLISHES A MONETARY REMEDY SPECIFICALLY FOR SEXUAL HARASSMENT -- UP TO \$150,000.

BY ANY STANDARD, THE PRESIDENT'S CIVIL RIGHTS INITIATIVE IS FAIR, RESPONSIBLE, COMPREHENSIVE.

IT DESERVED TO BE PASSED LAST YEAR, AND IT STILL DESERVES TO BE PASSED TODAY.

ADMINISTRATION'S OBJECTIVES MET

NOW, THERE ARE SOME IN THE LIBERAL MEDIA WHO ARE PREDICTABLY CLAIMING THAT THE ADMINISTRATION SOMEHOW GAVE UP TOO MUCH IN THE NEGOTIATIONS PRECEDING THE FINAL COMPROMISE.

THIS CLAIM IS CATEGORICALLY FALSE.

THROUGHOUT THE NEGOTIATIONS, THE ADMINISTRATION HAD TWO MAIN OBJECTIVES: ONE, TO ENSURE THAT THE COMPROMISE WAS DRAFTED IN A WAY THAT WOULD NOT FORCE EMPLOYERS TO RESORT TO QUOTAS, AND TWO, TO ENSURE THAT ALL DAMAGE REMEDIES WERE REASONABLY CAPPED.

ON BOTH COUNTS, THE ADMINISTRATION HAS SUCCEEDED.

THE COMPROMISE -- WARDS COVE

THE COMPROMISE RESOLVES ALL OF THE SO-CALLED WARDS COVE ISSUES, INCLUDING THE MEANING OF THE TERM "BUSINESS NECESSITY."

FOR NEARLY TWO YEARS, BUSINESS NECESSITY HAS BEEN AT THE EYE OF THE CIVIL RIGHTS STORM.

AFTER ENDLESS HOURS OF DEBATE, WE HAVE FINALLY COME UP WITH AN ACCEPTABLE BUSINESS NECESSITY DEFINITION.

(more)

UNLIKE H.R. 1 AND THE ORIGINAL VERSION OF S. 1745, THE COMPROMISE DOES NOT CHANGE THE "BUSINESS NECESSITY" STANDARD AS IT HAS BEEN DEFINED BY THE SUPREME COURT IN GRIGGS VERSUS DUKE POWER AND IN SUBSEQUENT SUPREME COURT CASES.

THIS STANDARD IS INTENDED TO BE BROAD AND FLEXIBLE ENOUGH TO ENSURE THAT EMPLOYERS CAN ADOPT EMPLOYMENT PRACTICES THAT SERVE A LEGITIMATE BUSINESS GOAL.

IF THE BUSINESS NECESSITY STANDARD IS TOO TOUGH TO SATISFY - - LIKE THE STANDARD IN H.R. 1 AND IN THE ORIGINAL VERSION OF S. 1745 -- RATIONAL EMPLOYERS WOULD HAVE BEEN FORCED TO ADOPT QUOTAS IN ORDER TO AVOID TIME-CONSUMING AND EXPENSIVE LITIGATION.

FORTUNATELY, THE COMPROMISE AGREEMENT DEFINES THE TERM "BUSINESS NECESSITY" IN A WAY THAT REFLECTS THE FLEXIBLE PRINCIPLE OUTLINED BY THE SUPREME COURT IN GRIGGS, IN NEW YORK TRANSIT AUTHORITY VERSUS BEAZER, AND IN OTHER SUPREME COURT CASES.

THE COMPROMISE -- DAMAGES

THE COMPROMISE ALSO MAKES COMPENSATORY AND PUNITIVE DAMAGES AVAILABLE FOR THE FIRST TIME IN CASES INVOLVING INTENTIONAL DISCRIMINATION, INCLUDING SEXUAL HARASSMENT.

THESE DAMAGES ARE CAPPED, SETTING AN IMPORTANT PRECEDENT FOR TORT REFORM.

THE CAPS RANGE FROM A LOW-TIER OF \$50,000 FOR BUSINESSES WITH 16 TO 100 EMPLOYEES, TO A HIGH-TIER OF \$300,000 FOR BUSINESSES WITH MORE THAN 500 EMPLOYEES.

98% OF ALL BUSINESSES FALL WITHIN THE LOW TIER, WHICH IS MUCH LOWER THAN THE \$150,000 CAP CONTAINED IN THE PRESIDENT'S BILL.

WITH THESE CAPS, THE INCENTIVE FOR FRIVOLOUS LAWSUITS SHOULD BE SIGNIFICANTLY REDUCED.

ONLY WAY OUT OF QUAGMIRE

THIS COMPROMISE IS NOT PERFECT. IT WILL NOT SATISFY EVERYONE.

BUT IT IS THE BEST WE CAN DO UNDER THE CIRCUMSTANCES.

THE COMPROMISE MAY NOT BE "ALL THINGS TO ALL PEOPLE," BUT IT IS THE ONLY WAY OUT OF THE CIVIL RIGHTS QUAGMIRE -- WITHOUT PRODUCING QUOTAS.

I WANT TO THANK MY DISTINGUISHED COLLEAGUE FROM UTAH, SENATOR HATCH, FOR HIS STEADFAST COMMITMENT -- OVER THE PAST TWO YEARS -- TO FASHIONING A BILL THAT WILL PROMOTE EQUAL OPPORTUNITY, NOT EQUAL RESULTS.

I ALSO WANT TO CONGRATULATE MY DISTINGUISHED COLLEAGUE FROM MISSOURI, SENATOR DANFORTH, WHO HAS WORKED TIRELESSLY TO GET US WHERE WE ARE TODAY.

SENATOR DANFORTH'S LEADERSHIP HAS BEEN THE ENGINE DRIVING THE COMPROMISE EFFORT.

TODAY, THE ENGINE HAS FINALLY ARRIVED IN THE STATION.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AGENCIES

Kansas Dept. of Transportation	\$65,098.00
Kansas Highway Patrol	13,036.00
The Adjutant General's Office	34,655.00
Ks. Dept. of Wildlife & Parks	9,450.00

BUTLER COUNTY

Butler County	150,532.00
City of Andover	189,375.00
City of Augusta	17,264.00
City of Cassoday	9,203.00
City of El Dorado	3,750.00
City of Towanda	5,518.00
Butler Rural Electric Co-op, Inc.	264,859.00
Butler County Community College	1,800.00

COWLEY COUNTY

Cowley County	27,456.00
Township of Pleasant Valley	8,201.00
Township of Tisdale	770.00
City of Winfield	182,453.00
Sumner-Cowley Electric Co-op, Inc.	83,432.00
Caney Valley Electric Co-op Ass'n.	4,728.00
Rural Water District #5	1,751.00

SEDGWICK COUNTY

Sedgwick County	335,572.00
City of Haysville	16,304.00
Township of Minneha	22,246.00
Township of Ohio	16,670.00
Township of Riverside	14,403.00
City of Wichita	382,566.00
Sedgwick Co. Electric Co-op Ass'n.	20,054.00
Springdale Improvement District	87,050.00