

BRAUN, Mr. HARKIN, Mr. FEINGOLD, and Ms. MIKULSKI):

S. 516. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes; to the Committee on Labor and Human Resources.

THE EQUAL REMEDIES ACT OF 1997

Mr. KENNEDY. Mr. President, I am proud to introduce the Equal Remedies Act of 1997, for myself and 13 other sponsors. The purpose of our legislation is to end a glaring inequality in the current Federal antidiscrimination laws.

The Civil Rights Act of 1991 gave women, religious minorities, and disabled persons the right to recover compensatory and punitive damages for intentional employment discrimination, but only up to specified monetary limits. By contrast, victims of such discrimination on the basis of race or national origin can recover damages without such limitations.

The Equal Remedies Act of 1997 will end this double standard by removing the caps on damages for victims of intentional job discrimination on the basis of sex, religion, or disability. No one should be subject to second-class remedies under our civil rights laws. Victims of discrimination who suffer injuries deserve a full remedy for those injuries, without arbitrary limits.

The caps serve no justifiable purpose. The standard of proof and the definition of intentional discrimination are identical under the Civil Rights Act of 1991 and the longstanding race discrimination statute. There is no reason to expect significantly more litigation, or significantly larger jury awards if the caps are removed.

For the vast majority of victims of intentional discrimination, the caps do not affect the amount of damages. But, for others—victims with the most serious injuries from intentional discrimination—the caps are an unfair barrier to recovering full damages for their injuries. Employers who have committed the most outrageous acts of discrimination will no longer be shielded from full responsibility.

The double standard in current law protects the worst lawbreakers and denies relief to those who have been harmed the most. By enacting the Equal Remedies Act of 1997, Congress will be affirming the basic principle of equal justice for all Americans.

Mr. President, I ask unanimous consent that the text of the legislation may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 516

*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 "Equal Remedies Act of 1997".

**SEC. 2. EQUALIZATION OF REMEDIES.**

Section 1977A of the Revised Statutes (42 U.S.C. 1981a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (c), by striking "section—" and all that follows through the period and inserting "section, any party may demand a jury trial.".

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 104

At the request of Mr. MURKOWSKI, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 104, *supra*.

S. 184

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 184, a bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

S. 197

At the request of Mr. ROTH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 220

At the request of Mr. GRASSLEY, the names of the Senator from Virginia [Mr. ROBB], the Senator from South Dakota [Mr. JOHNSON], the Senator from North Dakota [Mr. CONRAD], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 220, a bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes.

S. 269

At the request of Mr. ABRAHAM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 269, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 311, a bill to amend title

XVIII of the Social Security Act to improve preventive benefits under the Medicare Program.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 351, a bill to provide for teacher technology training.

S. 352

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 352, a bill to require the U.S. Sentencing Commission to amend the Federal sentencing guidelines to provide an enhanced penalty for follow-on bombings.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the titles XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid programs.

S. 370

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 380

At the request of Mr. DURBIN, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 380, a bill to prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm.

S. 385

At the request of Mr. CONRAD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 385, a bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 400

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S.400, a bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

S. 413

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 419

At the request of Mr. BOND, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 460

At the request of Mr. BOND, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 466

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 502

At the request of Mr. GRASSLEY, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 502, a bill to amend title XIX of the Social Security Act to provide post-eligibility treatment of certain payments received under a Department of Veterans Affairs pension or compensation program.

## SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Georgia [Mr. COVERDELL], the Senator from Virginia [Mr. WARNER], the Senator from Colorado [Mr. ALLARD], the Senator from Idaho

[Mr. CRAIG], and the Senator from Iowa [Mr. GRASSLEY], were added as cosponsors of Senator Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

## SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

## SENATE JOINT RESOLUTION 24

At the request of Mr. SARBANES, his name was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

## SENATE CONCURRENT RESOLUTION 11

At the request of Mr. GREGG, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Indiana [Mr. COATS], and the Senator from Louisiana [Mr. BREAUX], were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

## SENATE RESOLUTION 64

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. DORGAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week."

## NOTICE OF HEARINGS

## COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, April 8, 1997, at 9:30 a.m. in room 485, Russell Senate Building to conduct an oversight hearing on issues of juvenile justice in Indian country.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

## COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on April 10, 1997, entitled "S. 208, the HUBZone Act of 1997." The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on the nominations of Velma Ann Jorgensen of Garrison, IA, to be a member of the Farm Credit Administration Board of Directors, and Lowell Lee Junkins, of Waukee, IA, to be a member of the Federal Agricultural Mortgage Corporation Board of Directors on Thursday, April 10, 1997 at 2:30 p.m. in SR-328A.

## COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a markup on April 16, 1997, to mark up legislation pending before the committee. The markup will begin at 10 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, April 17, 1997, at 9 a.m. in SR-328A. The purpose of the hearing will be to receive testimony regarding crop and revenue insurance.

## AUTHORITY FOR COMMITTEE TO MEET

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Monday, April 7, at 2 p.m. for a nomination hearing on James B. King, to be Director, Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## HAROLD E. STASSEN CELEBRATES HIS 90TH BIRTHDAY

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to Harold Edward Stassen who will be celebrating his 90th birthday on April 13, 1997. Harold Stassen has an outstanding record of public and military service to America. There is no question that his unique contributions have left a lasting impression on not only the history of his home State and his country, but at an international level as well.