ment of the American dream, but it is simply not enough.

I believe in an America free from racism, free from bigotry.

I believe in an America where anyone who wants to work has a job.

I believe in an America where every child receives a first-rate education, a place where our children have the same chance to achieve their goals as everyone else's kids do.

I believe in an America where all people enjoy equal protection under the law, where everyone can live and work in a climate free from fear and despair, where drugs and crime have been banished from our neighborhoods and from our schools.

And I believe in an America where everyone has a place to call his own, a stake in the community, the comfort of a home.

I believe in an America where we measure success not in dollars and lawsuits but in opportunity, prosperity, and harmony. I believe in the ideals we all share, ideals that made America great: Decency, fairness, faith, hard work, generosity, vigor, and vision.

The American dream rests on the vision of life, liberty, and the pursuit of happiness. In our workplaces, in our schools, or on our streets, this dream begins with equality and opportunity. Our agenda for the next American century, whether it be guaranteeing equal protection under the law, promoting excellence in education, or creating jobs, will ensure for generations to come that America remains the beacon of opportunity in the world. Now, with great pride—and thanks to so many people here in the Rose Garden today, especially the Members of Congress with us—with great pride I will sign this good, sound legislation into law. Thank you very much.

[*At this point the President signed the Civil Rights Act of 1991.*]

Note: The President spoke at 1:18 p.m. in a signing ceremony in the Rose Garden at the White House. S. 1745, the Civil Rights Act of 1991, was assigned Public Law No. 102–166.

Statement on Signing the Civil Rights Act of 1991

November 21, 1991

Today I am pleased to sign into law S. 1745, the "Civil Rights Act of 1991." This historic legislation strengthens the barriers and sanctions against employment discrimination.

Employment discrimination law should seek to prevent improper conduct and foster the speedy resolution of conflicts. This Act promotes the goals of ridding the workplace of discrimination on the basis of race, color, sex, religion, national origin, and disability; ensuring that employers can hire on the basis of merit and ability without the fear of unwarranted litigation; and ensuring that aggrieved parties have effective remedies. This law will not lead to quotas, which are inconsistent with equal opportunity and merit-based hiring; nor does it create incentives for needless litigation.

Most of this Act's major provisions have been the subject of a bipartisan consensus. Along with most Members of the Congress, for example, I have favored expanding the right to challenge discriminatory seniority systems; expansion of the statutory prohibition against racial discrimination in connection with employment contracts; and the creation of meaningful monetary remedies for all forms of workplace harassment outlawed under Title VII of the Civil Rights Act of 1964. Similarly, my Administration has concurred in proposed changes to authorize expert witness fees in Title VII cases; to extend the statute of limitations and authorize the award of interest against the U.S. Government; and to cure technical defects with respect to providing notice of the statute of limitations under the Age Discrimination in Employment Act of 1967. I am happy to note that every one of these issues is addressed in the Act that becomes law today.

It is regrettable that enactment of these worthwhile measures has been substantially delayed by controversies over other proposals. S. 1745 resolves the most significant of these controversies, involving the law of "disparate impact," with provisions designed to avoid creating incentives for em-

ployers to adopt quotas or unfair preferences. It is extremely important that the statute be properly interpreted—by executive branch officials, by the courts, and by America's employers—so that no incentives to engage in such illegal conduct are created.

Until now, the law of disparate impact has been developed by the Supreme Court in a series of cases stretching from the *Griggs* decision in 1971 to the *Watson* and *Wards Cove* decisions in 1988 and 1989. Opinions by Justices Sandra Day O'Connor and Byron White have explained the safeguards against quotas and preferential treatment that have been included in the jurisprudence of disparate impact. S. 1745 codifies this theory of discrimination, while including a compromise provision that overturns *Wards Cove* by shifting to the employer the burden of persuasion on the "business necessity" defense. This change in the burden of proof means it is especially important to ensure that all the legislation's other safeguards against unfair application of disparate impact law are carefully observed. These highly technical matters are addressed in detail in the analyses of S. 1745 introduced by Senator Dole on behalf of himself and several other Senators and of the Administration (137 Cong. Rec. S15472–S15478 (daily ed. Oct. 30, 1991); 137 Cong. Rec. S15953 (daily ed. Nov. 5, 1991)). These documents will be treated as authoritative interpretive guidance by all officials in the executive branch with respect to the law of disparate impact as well as the other matters covered in the documents.

Another important source of the controversy that delayed enactment of this legislation was a proposal to authorize jury trials and punitive damages in cases arising under Title VII. S. 1745 adopts a compromise under which "caps" have been placed on the amount that juries may award in such cases. The adoption of these limits on jury awards sets an important precedent, and I hope to see this model followed as part of an initiative to reform the Nation's tort system.

In addition to the protections provided by the "caps," section 118 of the Act encourages voluntary agreements between employers and employees to rely on alternative mechanisms such as mediation and arbitration. This provision is among the most valuable in the Act because of the important contribution that voluntary private arrangements can make in the effort to conserve the scarce resources of the Federal judiciary for those matters as to which no alternative forum would be possible or appropriate.

Finally, I note that certain provisions in Title III, involving particularly requirements that courts defer to the findings of fact of a congressional body, as well as some of the measures affecting individuals in the executive branch, raise serious constitutional questions.

Since the Civil Rights Act was enacted in 1964, our Nation has made great progress toward the elimination of employment discrimination. I hope and expect that this legislation will carry that progress further. Even if such discrimination were totally eliminated, however, we would not have done enough to advance the American dream of equal opportunity for all. Achieving that dream will require bold action to reform our educational system, reclaim our inner cities from violence and drugs, stimulate job creation and economic growth, and nurture the American genius for voluntary community service. My Administration is strongly committed to action in all these areas, and I look forward to continuing the effort we celebrate here today.

George Bush

The White House,
November 21, 1991.

Note: S. 1745, approved November 21, was assigned Public Law No. 102–166.

Executive Order 12782—Amending Executive Order No. 12594

November 21, 1991

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to amend Executive Order No. 12594, it is hereby ordered as follows:

Section 1. Section 1 of Executive Order No. 12594 is amended to read as follows: "Awards shall be given for the purpose of